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NOTICE

The under mentioned Gazettes of India Extraordinary were published upto the 30th April, 1959 :—

Issue No.	No. and date	Issued by	Subject
63	S.O. 904, dated 25th April, 1959.	Ministry of Commerce and Industry	Granting recognition to the Bombay oilseeds and oils Exchange Ltd., Bombay in Respect of forward contracts in groundnut oil.
64	S.O. 905, dated 28th April, 1959.	Ministry of Information and Broadcasting.	Approval of films specified therein.
65	S.O. 906, dated 28th April, 1959.	Election Commission, India.	List of contesting candidates in the Election to the Council of States by the elected members of the Orissa Legislative Assembly.
66	S.O. 907, dated 28th April, 1959.	Ministry of Steel, Mines and Fuel.	Notice of Government's intention to acquire lands described therein for prospect of Coal.
67	S.O. 991, dated 28th April, 1959.	Election Commission, India.	List of contesting candidates for election to the House of the People from Mahasu Parliamentary Constituency.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—SECTION 3—Sub-section (ii)

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administrations of Union Territories).

ELECTION COMMISSION, INDIA

New Delhi, the 29th April 1959

S.O. 999.—In pursuance of sub-section (6) of Section 116A of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby publishes the decision of the High Court of Judicature at Allahabad given on the 9th March, 1959 on an appeal from the order dated the 30th August, 1958, of the Election Tribunal, Gorakhpur at Sitapur.

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD
CIVIL SIDE

APPELLATE JURISDICTION

Dated Allahabad, the 9th March, 1959

PRESENT

The Hon'ble R. N. Gurtu—Judge

AND

The Hon'ble D. N. Roy—Judge.

FIRST APPEAL No. 456 OF 1958

First Appeal against the order of Sri M. S. Saxena, Member, Election Tribunal, Gorakhpur dated the 30th August, 1958.

Sri Shiban Lal Saxena—Petitioner Appellant.

Vs.

Shri Kashinath Pande, Member, Lok Sabha, c/o Secretary, Lok Sabha, New Delhi and others—Respondents.

By the Court

(Delivered by Hon'ble Gurtu, J.)

This appeal arises out of an election petition originally filed by Sri Kapildeo for declaring void the election of Shri Kashinath Pandey, respondent No. 1 in the petition, to the House of People from the Hata Parliamentary Constituency. The other respondents to the petition were Shri Genda Singh, respondent No. 2, Shri Rajendra Kishore Sahi, respondent No. 3, Shri Madan Pal Singh, respondent No. 4 and Shri Shiban Lal Saxena respondent No. 5.

Subsequently Sri Kapildeo withdrew from the petition and Sri Shiban Lal Saxena was substituted in his place as petitioner under section 110(3)(c) of the Representation of the People Act.

The election of Sri Kashinath Pandey was challenged on various grounds of corrupt practices by him and his agents and on the ground of various other illegal and improper practices by them which were said to have materially affected the result of the election.

Sri Kashinath Pandey, respondent No. 1, and the other respondents filed replies to the said petition.

Thereafter the Election Tribunal, Gorakhpur, sitting at Sitapur, framed several issues. All the issues framed were decided against the petitioner and the petition was dismissed. the petitioner being made liable to costs to be paid to respondent No. 1.

It is against the tribunal's order and because of the dismissal of the petition that Sri Shiban Lal Saxena filed the present appeal.

When the case was opened by junior counsel, issues Nos. 2 and 3 were taken up by him and the relevant materials relating to those issues were placed before us. On the next day, Sri Kharai, senior counsel in the case, appearing on behalf of the appellant, made a statement to the effect that he would not challenge the findings of the Tribunal on any other issue except those on issues Nos. 8 and 9. We have, therefore, to examine in this appeal only the submissions regarding the said issues 8 and 9 and to determine whether the submissions advanced by learned counsel for the appellant in respect of them are correct or not and then to record our findings.

Issue No. 8.—In paragraph 10 of the petition, the petitioner alleged as follows:—

"That respondent No. 1 and others interested in the election of respondent No. 1 with his consent exercised undue influence directly and indirectly on some of the electors and candidates to abstain from exercising their rights as electors and citizens of the Republic of India. Particulars of these are given in Schedule III which is annexed to this petition and forms part of it."

The particulars referred to in the paragraph quoted above as having been set out in Schedule III to the petition are as follows:—

"The Ex-Hon'ble Minister Shri C. B. Gupta, then Minister for Planning and Industries in the course of his election tour, visited various places in Deoria District and reached Gorakhpur in the night of 12th February, 1957. Respondent No. 1 and his supporters had threatened some of the Directors and partners of the said Mill that the said Hon'ble Minister had studied the condition of this Mill and very soon an authorised Controller of the Mill would be appointed. The threat of the appointment of an authorised Controller frightened the directors and they were asked by respondent No. 1 to see the said Hon'ble Minister in the night in the Inspection House at Gorakhpur. Some of the partners met him at the Inspection House where he told them that their mills would not be allowed to start crushing unless they dismissed their Manager, Shri Madan Pal Singh and agreed to the terms of the respondent No. 1. They were highly nervous and frightened and were not even allowed to explain their position. The said Hon'ble Minister directed them to get in contact with respondent No. 1. In the morning of 13th February, 1957 they again saw the said Minister when he told them that he could request respondent No. 1 to settle their matter and before leaving Gorakhpur he telephoned to respondent No. 1 at Padrauna to talk with them. On 13th February, 1957 the partners of the said Mills after their return from the Inspection House, telephoned to respondent No. 1, and entreated him to come to Gorakhpur. The respondent No 1 reached Gorakhpur in the night of 13th February, 1957. On the 14th February, 1957, respondent No. 1 asked the partners present *inter alia* to dismiss Shri Madan Pal Singh and to re-instate the 76 dismissed employees and also those whose cases were pending in courts and if they did not dismiss Shri Madan Pal Singh just then, they should ask Shri Madan Pal Singh to withdraw from election contests for the Lok Sabha and the U.P. Assembly for both of which he was a candidate. The partners present told respondent No. 1 that they could not agree to his demand as dictated by him. The respondent No. 1 then suggested that the demands may be referred to arbitration of Shri O. N. Misra, Labour Commissioner, U.P. for arbitration. The partners present in the meeting were highly frightened by the threat of appointment of an authorised controller and also by the wrath of the said then Hon'ble Minister for Planning and Industries and they agreed to refer the matter to arbitration. Shri R. P. Maheshwari, Regional Conciliation Officer, Gorakhpur and respondent No 1 prepared a draft agreement, got it signed by those directors who were present excluding Shri Ratan Lal Kedia and Shri Bholiram Jhunjhunwala, who signed it at their place. The said R.C.O. Gorakhpur got it signed by them....."

Respondent No. 1 filed his written statement and did not admit the allegations contained in paragraphs 6 to 29 of the petition as well as the Schedules and further on he pleaded his own case in the written statement.

The Election Tribunal then framed an issue No. 8 on the basis of the petitioner's allegations in paragraph 10 and the said issue runs as follows:—

"Whether the allegations made in Schedule III of the petition are correct and whether Sri Kashi Nath Pandey or Sri Rajdeo Upadhyaya or Sri Sheo Prasad had been in any way responsible for or instrumental in bringing about the situation mentioned therein? If so, does their action amount to corrupt practice or did it materially influence the result of the election."

After recording the evidence and examining the same as also the documentary material, the said tribunal observed that the facts proved, and which may be assumed to be proved, were as follows:—

"Though the dismissal of these 76 workmen was legal and within the powers of Sri Madan Pal Singh, the Manager of the Mill, yet Sri Kashi Nath Pandey, who was the General Secretary of the Union to which these 76 workmen belonged, supported their demand of reinstatement and in order to get it accepted instigated those 76 workmen to start this illegal Satyagrah which was in fact a criminal offence and thus created a situation in which the Mill was closed and the authorities

and the Government of which Sri C. B. Gupta was a Minister did not suppress and encourage it in order to enhance the prestige and influence with labourers to secure their votes for him. The object and the result of the Satyagrah was that the labour votes turned in favour of Sri Kashi Nath Pandey and Sri Madan Pal Singh was also not able to carry on his canvassing due to being engaged in meeting it. Sri C. B. Gupta told the Directors on 12th February, 1957 that the Mill would not be allowed to work unless Sri Singh was dismissed and the 76 workmen were reinstated. It must be reiterated that throughout the Schedule there is not a word about the withdrawal or retirement of Sri M. P. Singh except where it is said that it was on 14th February, 1957 that Sri Kashi Nath Pandey asked the Directors and the partners to make him withdraw from the election contest if they were not dismissing him at that time and for this allegation there is no evidence. The case is, therefore, to be decided only on the facts mentioned above and the evidence given about the demand of Shri C. B. Gupta at Lucknow and on 12th February, 1957 for withdrawal or retirement of Shri M. P. Singh from the election contests cannot be considered as it was never alleged in the pleadings."

The Tribunal was of the view that even if all the allegations in paragraph 10 of the petition and the Schedule thereto, which have been proved or assumed to have been proved by it, were accepted, no case of any corrupt practice could be said to have been made out against the petitioner. Sri Khare accepted the position that unless it was proved with reference to this issue No. 8 that Sri C. B. Gupta asked for the dismissal of Sri Madan Pal Singh, respondent No. 4, and demanded that Madan Pal Singh should withdraw from the election contest, the charge, which was the subject matter of this issue, could not be deemed to have been made out. He clearly conceded that the facts, which the said Tribunal had found to be proved or had assumed to be proved and which it has summarised in the paragraph quoted above, would not establish that a corrupt practice within the meaning of section 123, Sub-clause (4) had been committed. Unless the evidence established that Sri C. B. Gupta exercised pressure in order to obtain the dismissal of Sri Madan Pal Singh from the Managership and to obtain the withdrawal of his candidature.

In view of the position taken up by Sri Khare, the only matter which calls for consideration is whether Sri C. B. Gupta is proved to have acted in the way it is sought to be established by the evidence tendered under this issue. The view of the Election Tribunal in regard to this matter is as follows:—

"It has been argued that the offer of Sri C. B. Gupta to the Directors of the Mill on 12th February 1957 at the Canal Inspection House, Gorakhpur, that he would allow their Mill to start working if they dismissed Sri Singh and made him retire from the election contests, amounted to an offer of bribery under section 123, clause (1). As already stated above the demand of Sri C. B. Gupta for withdrawal or retirement of Sri Singh from the election contests cannot be considered as it was never pleaded. The other part obviously does not come within the definition of bribery as given in this section because it had nothing to do with the election."

In view of the point made by the said Tribunal that the alleged demand of Sri C. B. Gupta for withdrawal or retirement of Sri Madan Pal Singh from the election contests could not be considered as it was never pleaded, it is necessary to refer to paragraph 10 of the petition and Schedule III thereof both of which have been quoted earlier in this judgment. Paragraph 10 of the petition does not mention Sri C. B. Gupta by name at all but it was suggested that he would come within the description "others interested in the election of respondent No. 1". Then, however, we look at Schedule III, we find that it is only stated therein that some of the partners met the Hon'ble Minister (Sri C. B. Gupta) at the Inspection House on the 12th and 13th February, 1957 and the Hon'ble Minister told the partners that their mills would not be allowed to start crushing unless they dismissed their Manager, Sri Madan Pal Singh, and agreed to the terms of respondent No. 1, Kashi Nath Pandey. It is then stated that respondent No. 1 reached Gorakhpur on the night of the 13th February and that on the 14th February, 1957 respondent No. 1 asked the partners present, *inter alia*, to dismiss Sri Madan Pal Singh and to reinstate the 76 dismissed employees and also those whose cases were pending in courts and that if they did not dismiss Sri Madan Pal Singh just then they should ask Sri Madan Pal Singh to withdraw from election contests for the Lok Sabha and the U.P. Assembly for both of which he was a candidate. Then it is

stated that the partners present told respondent No. 1 that they could not agree to his demands as dictated by him. The respondent No. 1 then, according to this Schedule, suggested that the demands may be referred to the arbitration of Sri O. N. Misra, Labour Commissioner, U.P. for arbitration and it is said that the partners present, being frightened agreed to refer the matter to arbitration. Thereafter it is stated that as promised, the partners asked Sri Madan Pal Singh to withdraw from the contests to the U.P. Legislative Assembly and the Lok Sabha for both of which he was a candidate and that he, under threat of dismissal, had to file retirement applications from both the contests. The retirement applications were finally filed on the 20th of February, 1957 and Sri Madan Pal Singh ceased to be a contesting candidate for the Assembly but his application for retirement from the Lok Sabha election having been made beyond the period within which withdrawal was permissible, he still continued to be a contesting candidate but he was not permitted to do any work for his election.

It will thus be seen that in Schedule III the charge is not that Sri C. B. Gupta, directly and in so many words, demanded the withdrawal of the candidature of Sri Madan Pal Singh. At best, the charge is that he intimated to the partners of the Lakshmi Devi Sugar Mills, Chhitauni, that the terms of Kashi Nath Pandey, whatever they may be, had to be accepted. The comment of the Election Tribunal is, therefore, correct that it was never pleaded that Sri C. B. Gupta in so many words demanded the withdrawal or retirement of Sri Madan Pal Singh.

The view of the Tribunal, as already indicated, also is that even if Sri C. B. Gupta asked for the dismissal of Sri Singh as a condition precedent to allowing the Mills to start work that would have nothing to do with the election.

Inasmuch as, according to Schedule III itself, the partners rejected the demands of respondent No. 1 and referred the question to arbitration and inasmuch as the arbitration agreement as we are informed does not refer to the question of dismissal of Sri Madan Pal Singh or his withdrawal from the election at all, it seems obvious that the demand for dismissal, even if made, was rejected and no longer remained the subject of controversy because the demand was not referred to in the arbitration agreement and in that view, we also think that it is not possible to link up, upon the pleadings of the petitioner, the question of dismissal with question of withdrawal of the candidature of Sri Madan Pal Singh.

We will now examine the evidence which has been placed before us to support that part of the story which is now under consideration. Sri Madan Pal Singh, P.W. 35, in regard to what took place on 22nd January 1957, which was his first meeting with Sri C. B. Gupta and which took place at Lucknow residence of Sri Gupta, has stated as follows:

"I _____ saw Sri C. B. Gupta at his house on 22nd January 1957 at about 11 in the day. Sri Kedia and Sri Lahiri were also with me. _____ He asked me what this Tamasha at Chhitauni was about. _____ I respectfully narrated to him the whole history and told him that the management was legally justified in dismissing those 76 men in pursuance of the judgment of the Supreme Court. _____ I also explained to him that it was not possible for the management to reinstate those 76 workers. _____ I further explained to him that as an administrator of the company it was not possible for me to reinstate those men against the wishes of the Board of Directors. I also told him that if the Minister wanted that I should reinstate those 76 men, he (the Minister) should give me an order in writing to save my neck from the Board of Directors. The Minister had been insistently asking me before that to reinstate those 76 men and I had been explaining to him my inability to do so. The Minister then told me "either you accept the demand of Sri Kashinath Pandey or the Mill shall not be allowed to run unless a controller is appointed to run it". He was annoyed and asked me to get out of his house. As I was leaving his house, he told Sri Kedia that I should be dismissed before he will listen to anything and that Sri Kedia should compel me to withdraw from the election. _____ I filed my nomination forms as a candidate for the Parliament and for the Legislative Assembly from this Constituency, the date of filing these forms was probably 29th January 1957. My election campaign which had already started some time before continued."

From the passage quoted above, it is evident (assuming that the story is true) that the demand of Sri Kashinath Pandey, which the Minister wanted to be accepted really related to the reinstatement of the 76 workers only, it is further

clear that, according to Sri Madan Pal Singh, it was Sri C. B. Gupta who himself told Kedia that he (Madan Pal Singh) should be dismissed and also that it was Sri C. B. Gupta who asked that Sri Kedia should compel Sri Madan Pal Singh to withdraw from the election. This statement of Sri Madan Pal Singh seems to be self contradictory for, according to him, he had practically intimated his willingness to reinstate the 76 men provided an order in writing was given to him to save him from the Board of Directors and that the only thing that deterred him from doing so was that he did not wish to act against the wishes of the Board of Directors. It seems, therefore, that it would be to the Directors that Sri C. B. Gupta would turn his attention and that there was no reason for Sri C. B. Gupta saying to Madan Pal Singh that he should accept the demands of Sri Kashi Nath Pandey, otherwise he would not be allowed to run the Mills before a controller was appointed, unless, it be assumed without justification that Sri Pandey's demands were that Madan Pal Singh should also withdraw from the Election and not merely that the workers be reinstated. In view of what Sri Madan Pal Singh said, the obvious thing for Sri C. B. Gupta to have said would have been that Madan Pal Singh should try and induce the Directors also to fall in line with his (Sri C. B. Gupta's) wishes. Considering the position that Madan Pal Singh took up, there was no occasion for Sri C. B. Gupta to tell Sri Kedia that Madan Pal Singh should be dismissed. It has already been pointed out that the case, as pleaded, did not clearly state that it was Sri C. B. Gupta who said to Sri Kedia that the latter should compel the withdrawal of the candidature of Madan Pal Singh. According to the pleadings, it was Sri Kashi Nath Pandey who was supposed to have said all that. It is, however, significant to note that at this talk Sri Kashi Nath Pandey, respondent No. 1 was not present.

Sri C. B. Gupta, respondents' witness No. 27, who went into the witness box, has definitely stated that there was never any conversation either in regard to the dismissal of Madan Pal Singh or in regard to the withdrawal of his candidature. Sri Gupta has also denied that he tried to bring any direct or indirect influence on Madan Pal Singh to withdraw his candidature, nor did he try or say anything to anybody that Sri Madan Pal Singh should be dismissed. He also denied that he had any talk with Kashi Nath Pandey, respondent No. 1 in regard to either dismissal of, or withdrawal by Madan Pal Singh.

We may now refer to the evidence of respondents' witness No. 3, Sri R. K. Lahiri, Secretary of the Lakshmi Devi Suar Mills, Chhitauni who along with Sri Kedia, a Director, and Madan Pal Singh had gone to Sri Gupta. According to Sri Lahiri, on 22nd January, 1957 when these people conversed, there were 40 or 50 other people assembled there unconnected with the matter. After the introduction of the visitors, Sri C. B. Gupta turned to Sri Singh and remarked that the latter filed too many writs. There was some conversation about the dismissal of the 76 men and, according to Sri Lahiri, Sri Madan Pal Singh said that he had acted in accordance with the judgment of the Supreme Court which had upheld the dismissals and then Sri Gupta said as follows:—

"Mr. Singh, you should know that the time has changed and we are ten years ahead. These are not times of 1947 or before. You should not deal with the labour in accordance with law or legal terms, but you deal with them in a spirit of cooperation."

On this, it appears according to Shri Lahiri's evidence, that Sri Madan Pal Singh made the observations that he was not willing to massage the legs of Sri Kashi Nath Pandey and that it was the same Kashi Nath Pandey who had come to him for service and had been given service by him and now he had become a big neta. Sri Gupta is then said to have replied to this that at times ordinary persons become great men and that at present Sri Kashi Nath Pandey was a labour leader and then Sri Madan Pal Singh said that it was impossible to reinstate the 76 men and invest Rs. 90,000/- and that if he (Sri C. B. Gupta) wanted them to be reinstated, the factory was his and the Directors were there and he (Sri Madan Pal Singh) salutes him prostrately and goes away. On this Sri C. B. Gupta asked Sri Singh to go away. It does not appear from the cross examination that it was suggested to Sri R. K. Lahiri whether Sri C. B. Gupta had demanded the dismissal or suggested the withdrawal of the candidature of Sri Madan Pal Singh in order that the former's affirmation or denial be obtained. All that comes out in the cross examination of Sri R. K. Lahiri is that Sri Gupta had asked Sri Singh to settle the matter with the Labour Leader and Sri Lahiri explained that by Labour leader, he understood Sri Gupta to mean the President and the Secretary of the Labour Union. It appears, on the other hand, that Sri Madan Pal Singh was obsessed with his antagonism towards Kashi Nath Pandey. It is to be noted that Sri Kedia has not been produced. Therefore, in

respect of what took place on the 22nd of January 1957 we have Sri Madan Pal Singh's version and against it we have the denial of Sri C. B. Gupta as also the statement of Sri R. K. Lahiri which does not support Sri Madan Pal Singh's version of the incident.

Let it be noted that despite this alleged expression of desire by Sri C. B. Gupta on the 22nd of January, 1957 Sri Madan Pal Singh filed his nomination paper on the 29th of January, 1957 and a writ petition was moved by the Mills in respect of the Satyagrah going on. It would, therefore, appear improbable that the sort of demands which, it is said, Sri C. B. Gupta had made were made at all on the 22nd of January, 1957, for it is unlikely that Shri Gupta would have been flouted.

The next occasion on which this subject is said to have cropped up again was the 12th of February, 1957. Sri Shiban Lal Saxena, P.W. 38, has spoken in regard to what happened on this day.

He says that Sri Gupta had come to Gorakhpur on the 12th of February, 1957 and was staying at the Canal Inspection House where he (Sri Shiban Lal Saxena) met Sri Gupta with some Directors of the Mill. He says that Sri C. B. Gupta taunted him by remarking that his friend, Sri Madan Pal Singh, wanted to be both a Manager and also a political leader. He then says that after these preliminary issues, they came to the issue of the cane growers not being allowed to weigh and supply their sugarcanes to the Chhitauni Mills but allowing the same to be wasted. Then, according to Sri Saxena, Sri C. B. Gupta turned to Sri Moti Lal Tekriwal, one of the Directors of the Mills and said to him as follows:—

"I had told your Directors at Lucknow that you should ask your Manager to withdraw from the election contest or to dismiss him but you have done nothing. I tell you that the factory shall not be allowed to run unless one of these things is done. If you persist, I will appoint a controller."

Sri Tekriwal, according to Sri Saxena, then started apologising to the Minister and informed him that they had already persuaded Sri Madan Pal Singh to file a withdrawal form which he had done but it was rejected by the Returning Officer. It may be pointed out here that Madan Pal Singh withdrew his candidature by sending a notice of withdrawal under rule 9(1) of the Election Rules on 4th February, 1957; as the notice had not been presented by a person duly authorised it was not accepted by the authority concerned. Thereafter a second notice of withdrawal was presented on February 22, but that date was beyond the permissible date for withdrawal.

According to Sri Saxena, Sri C. B. Gupta replied that they must settle the matter with Sri Kashi Nath Pandey. Sri Kedia agreed to this and Sri Gupta then said that he would telephone to Sri Kashi Nath Pandey who was at Padrauna or somewhere else and would ask him to come to Gorakhpur and meet Sri Kedia and other Directors. Sri Saxena then says that he waited for the arrival of Sri Kashi Nath Pandey on the 13th of February, 1957 but the latter did not come and, therefore, he (Sri Saxena) went on his election tour and later he heard about the appointment of the Arbitration Board.

It seems to us that as Sri Madan Pal Singh had already made an application to withdraw on the 4th February, if it was a fact that Sri C. B. Gupta had demanded Sri Madan Pal Singh's withdrawal from the election, that demand had virtually been met. In a situation such as that, it would be unreasonable to suppose that Sri C. B. Gupta would not have been apprised of the position either earlier or at least on the day he reached Gorakhpur on the 12th of February, 1957. It is, therefore, unlikely that the words attributed to Sri C. B. Gupta were uttered and it is also unlikely that Sri Kedia would have said that it was difficult to dismiss the Manager in the middle of the season as they were not likely to get a new one. The alternative demand of withdrawal of nomination having been virtually conceded, the question of dismissal could not have cropped up in the way that, it is suggested, it did, what could have been said was that the application of withdrawal should be represented by a duly authorised Agent at once. As has already been pointed out, Sri Gupta has denied any conciliation at all regarding either the dismissal of Sri Madan Pal Singh or his withdrawal from candidature.

Admittedly Sri Moti Lal Tekriwal was present at this conversation on the 22nd of January, 1957. Therefore it is worthwhile turning to his statement. Sri Moti Lal Tekriwal who appeared as respondents' witness No. 4, has expressly

stated that so far as he knew, no Director had exercised any influence on Madan Pal Singh to withdraw from the election contest of 1957. He says that he never did so, nor had he any talk on the point either with Sri Madan Pal Singh or even with Sri C. B. Gupta. In regard to the reason for dismissal of Sri Madan Pal Singh, he said that it was due to the fact that for the last two or three years, the Mill was running at a loss and also because there was labour trouble going on in the Mills for the last four or five years and further because heavy expenses were being incurred in litigation. From the cross examination of Sri Tekriwal, it appears that Sri Madan Pal Singh was given six months' salary because his contract was terminated six months earlier. No attempt has been made in the cross-examination of Sri Tekriwal to get Sri Saxena's story either substantiated or denied.

Upon a review of the entire evidence it cannot be said that the petitioner has succeeded in making out a case in regard to what, he alleged, took place on the 12th of February, 1957.

It has been contended that the fact that Sri Madan Pal Singh did file his retirement application clearly shows that his retirement must have been demanded by Sri C. B. Gupta. But there may have been other reasons also why Madan Pal Singh withdrew. At the previous election held in 1952, Sri Madan Pal Singh had stood as a candidate and not only did he lose in that election but he also had forfeited his security. It is not quite clear as to when he had seriously started his election campaign in the present instance, but it does appear that in one of the letters to the District Magistrate, dated the 15th January, 1957 he had intimated that he intended to stand as a candidate and he also said that the Satyagrah at the Mills was intended to bolster up the position of Kashi Nath Pandey and to destroy his own. Eventually, he filed his nomination paper on the 29th of January, 1957, even in the teeth of the alleged pressure to the contrary by Sri C. B. Gupta. We think it unlikely that if pressure had been really put the nomination would have been filed, and we cannot rule out the possibility that the candidature of Sri Madan Pal Singh may have been in the nature of a counter move to exert political influence and finding that that game had not succeeded and keeping in view the fact there was a danger even of his security being forfeited if he fought the election, it may be that he may have ultimately decided to withdraw as a candidate from the election of his own free volition. Be that as it may, the acceptance or the rejection of the petitioner's case can be justified only upon a proper and true appreciation of the evidence. In the circumstances of the case we would not be justified in differing from the estimate of the evidence made by the Election Tribunal. We have already pointed out that Sri Khare had stated during the course of the argument that if it was not established that there was a demand for dismissal from service or for withdrawal of the candidature by Madan Pal Singh, then the charge, which is the subject matter of issue No. 8, could not be deemed to have been made out. We, therefore, feel that issue No. 8 must be and was rightly decided against the petitioner.

We now come to the next issue No. 9 which was pressed before us. The charge in respect of this issue is set out in paragraph 13 of the petition and is as follows:—

"That respondent No. 1 and others interested in his election with his consent made statements which were false to their knowledge in relation to the personal character and conduct of Prof. Shibban Lal Saxena which were calculated to prejudice the prospects of his election. The particulars are given in Schedule VI which is annexed to this petition and forms part of it."

The further particulars are set out in Schedule VI which runs as follows:—

"The respondent No. 1 and Sharvashri Rajdeo Upadhyaya, the Congress candidate for the U.P. Assembly from Sidhua Jobana Constituency, Bhagwat Sahi of village Singha, Secretary Zila Mazdoor Federation, Deoria (at Padrauna), Gopal Kashyap and others interested in the election of the respondent attacked the personal character and conduct of respondent No. 5 who was the K.M.P.P. candidate for Parliament from Hata Parliamentary Constituency in various election meetings held throughout the said Constituency. The following are some of the instances:—

Sharvashri Rajdeo Upadhyaya and Bhagwat Sahi and Gopal Kashyap hurled abuses on Prof. Shibban Lal Saxena at Deoria, Captainganj,

Padarauna, Lakshmiganj, Ramkola, Kathkuiyan, Khada and Bulahawa. Shri Bhagwat Sahi consistently called him and Shri Madan Pal Singh, as men who were adept in giving bribes and influencing the Judges and corrupting the Judiciary of the State and the Union. He also called them *Dakoo* and *Chor*. Various other serious false statements made by them were reported to various authorities."

The above particulars were further clarified by giving the dates of the meetings. The clarification is as follows:—

"The meeting of village Deoria mentioned in Schedule VI was held on the 1st March, 1957 at Captainganj, Padarauna and Lakshamiganj on the same day. The meeting at Ramkola, was held on the 27th February, 1957 at Kathkuiyan on the 28th February, 1957, at Khada on the 20th February, 1957 and at Bulahawa on every day between 4th February and 15th February, 1957.

Sri Bhagwat Sahi called Shibban Lal Saxena as a man who was adept in giving bribes and DAKOO AND CHOR. He called Madan Pal Singh as adept in giving bribes and influencing the Judges of High Courts and Supreme Court and in corrupting Judiciary of the State and the Union."

We have already indicated that the charge made out in paragraph 13 was denied by Sri Kashi Nath Pandey. The learned Tribunal, with reference to this charge, framed issue No. 9 which run as follows:—

"Whether Sri Kashi Nath Pandey, Sri Rajdeo Upadhyaya, one of the Assembly Congress candidates, Bhagwat Sahi and Gopal Kashyap had attacked the personal character and conduct of Sri Shibban Lal Saxena, the petitioner, and Sri Madan Pal Singh, respondent No. 4, as detailed in Schedule VI of the petition? If so, its effect?"

The finding of the learned Tribunal is that no evidence has been given that anything had been said against Sri Shibban Lal Saxena (and this is not challenged before us) and that they were only left with the allegation in respect of Madan Pal Singh. The Tribunal has pointed out that no allegation were made in the petition itself about Madan Pal Singh and that it was inexplicable how his name came to be put in the Schedule.

Quite obviously, Sri Madan Pal Singh's name appears in Schedule VI only as a part of the particulars in regard to the charge that the personal character and conduct of Sri Shibban Lal Saxena were attacked. Let us, however examine the evidence, such as there is on the point, as to whether anything was said against Sri Madan Pal Singh.

It is to be noted, in this connection, that the evidence to sustain the allegation that the personal character and conduct of Sri Madan Pal Singh were attacked consists of evidence relating to two speeches alleged to have been delivered at Chhitauni. Chhitauni is not mentioned in Schedule VI at all, nor even in the clarified Schedule is there any reference to Chhitauni. The places specified are quite different. No doubt, in Schedule III, which relates to another charge, there is a general allegation that the election campaign of respondent No. 1 was a regular campaign of vilification of Sri Madan Pal Singh and that Sri Madan Pal Singh's conduct was painted in the darkest colour by various people at various meetings at Chhitauni and at other places. But, in point of fact, it is to Schedule VI that we must look in order to find the particulars relating to the charge made in paragraph 13; and, as we have pointed out earlier, the said Schedule VI does not refer to Chhitauni, nor even to any dates of meetings at Chhitauni. In any case, there is no date of the alleged meeting at Chhitauni given even in Schcdule III either nor or the exact words uttered mentioned. We are, therefore, of the view that the proof tendered under issue No. 9 is at variance with the pleadings.

The petitioner relies on two speeches which are said to have been delivered at Chhitauni on the 4th January, 1957 (Exhibit P-15) by Sri Bhagwat Sahi, and on the 13th January, 1957 (Exhibit P-16) again by Sri Bhagwat Sahi in the presence, *inter alia*, of Kashi Nath Pandey. The first thing that we would like to observe about these speeches is that they are not electioneering speeches at all but are speeches mainly rlatting to the reinstatement of the 76 dismissed persons. Secondly, both these speeches are the sort of speeches which, by their tone and temper, by the violence of the language and by their inherent foulness, are speeches which are not likely to impress themselves upon the mind of any voter

and can have but one result, namely, to create upon the mind an impression that they are the outpourings of a hysterical person not to be taken seriously in regard to what is said concerning the conduct or character of persons who are made the subject-matter of an unrestrained vituperation. We think that any voter hearing these speeches—assuming that the gist is correctly given because these exhibits P-15 and P-16 are not alleged to be the verbatim reports but only a précis of what was said was not likely to take them seriously but, on the contrary, would reject them outright and so the speeches in question could not be said to be such speeches as could reasonably be calculated to prejudice the prospects of any candidate for election within the meaning of section 123, sub-section (4) of the Representation of the People Act.

The Election Tribunal has pointed out that the charge made was that Bhagwat Sahi and others had consistently called Sri Madan Pal Singh as a man who was adept in giving bribes and influencing the Judges and corrupting the Judiciary of the State and the Union and that he was a *Dakoo* and *Chor*.

These, we notice, are the only specific particulars given in Schedule VI. Although it is further stated therein that various other serious false statements made by them were reported to various authorities, yet neither these authorities, nor the other serious statements made were particularised in Schedule VI.

The petitioner has produced four witnesses in order to prove the words which were used during the course of the speeches said to have been made by Sri Bhagwat Sahi, one of which speeches is alleged to have been made in the presence of Sri Kashi Nath Pandey himself.

The first witness on the point is P.W. 26, Mohan Lal Gupta. He is a Provident Fund clerk in the Lakshmi Devi Sugar Mills, Chhitauni. He began his statement by saying that in January, 1957, people used to come inside as well as outside the Mill to make speeches. Then realising his mistake, he corrected himself and said that no body came inside the Mill to make speeches. He said that on the 4th January, 1957 Sri Bhagwat Sahi made a speech. He alleged that Sri Bhagwat Sahi was canvassing for the election of Sri Kashi Nath Pandey and that he (Sri Gupta witness) had noted his speech. It will be observed from the notes of the speech made by this witness, Exhibit P-15, that there is not a word in that note suggesting that the subject of election was touched upon at all. The witness said that Bhagwat Sahi had abused Thakur Madan Pal Singh in his speech and also Sri Bhagwati, Judge of the Supreme Court. According to this witness, Bhagwat Sahi had also said that the Manager was cruel and tyrannical and that Bhagwat Sahi had also incited the workers telling them that the Government was with them and that they should start their Satyagrah from the 17th January, 1957. The words of abuse specified by Mohan Lal Gupta do not contain the allegation that Thakur Madan Pal Singh was adept in giving bribes and influencing the Judges and corrupting the Judiciary of the State and the Union, nor does he say that Madan Pal Singh was called a *Dakoo* and *Chor*. The allegation of giving bribes in cases is made against the proprietors and not against Madan Pal Singh who was the Manager and not the proprietor. The words in Hindi are:—

"Is mill ke malik Brij Lal, Ratan Lal, Gajjirama, Moli Ram wa Har Narain waghaira beiman dalon ko juta mar kar mill se nikalwana hai. Keya yeh mill in salon ke bap dada ne banwaya hai. Yeh Mazduron ke khun aur pasjon se banwai gayi hai. Mazduron ki hokar rahegi. In kutton ko nikalwana hai. Yehan ke mill malik harami aur beiman hain. Mukadmon men jakar ghus de de kar mazduron ko nikaltey hai. In salon ko thokar se markar boiler me jhonkana hai. Aap log sabhi kamar bandh kar tayyar rahen Main phir 10 January ko yehan araha hun aur dikhla dunga ki mazdur apni taqat se in beiman mill malik tatha Manager ko aur uske kuch kutton ko kis tarah se thokar mar kar nikaltey hain. Satyanasi Madan Pal Singh aur uske kuttey kan khol kar sun len. Unko jald se jald mitti men mila dunga. Yeh aap logon ki antim larai hai. Ismen bijai pane ke liye tayyar rahen."

The threat against the Manager at the end is only that he would be kicked out along with others.

According to this witness, Madan Pal Singh was described as cruel and tyrannical; but that does not, in any case, constitute a direct statement that Madan Pal Singh was a *Dakoo* and *Chor*. This witness's general statement that Madan Pal Singh was abused merely amounts to an expression of opinion. It is only

from the exact words spoken by the witness that one can judge whether the actual words imputed to Bhagwati Sahi in Schedule VI were uttered or not.

Then this witness, Mohan Lal Gupta, speaks of the speech delivered on the 13th January, 1957. The witness goes on to say that Bhagwati Sahi had made the first speech followed by Sri Kashi Nath Pandey who was followed by Kashyap and that the latter was again followed by Kashi Nath Pandey and by some others. He said that he had made notes of their speeches making carbon copies thereof also. He proved the note of the speech which Bhagwati Sahi is alleged to have made i.e. exhibit P-16. In his deposition, the witness, Gupta, said that Sri Kashi Nath Pandey had told the workers to fight their battle well and every thing was known to Dr. Sampurnanand and the Labour Commissioner, the Labour Secretary and others with whom he already had a talk and that he asked the workers to start Satyagrah.

The witness has not spoken to what Bhagwati Sahi had actually said on the 13th January, 1957 but he has spoken to what Sri Kashi Nath Pandey had said. And what Sri Kashi Nath Pandey had said, as spoken to by the witness, does not make out the charge which is levelled in Schedule VI, namely, that Madan Pal Singh was described a giver of bribes and a corrupter of Judges and that he was a *Dakoo* and *Chor*. In our view, it was not enough for Mohan Lal Gupta merely to prove the note of the speech made on the 13th January, 1957, which is admittedly not a *verbatim* report of the speech and to say that it was a correct note. Mohan Lal Gupta should have given the exact words in his deposition which were spoken by Sri Bhagwati Sahi on the 13th January, 1957. Nor does it appear from the note Exhibit P-16, that Sri Bhagwati Sahi expressed himself in the words which are contained in Schedule VI. There is nothing to indicate that he was called a dacoit or thief or a bribe giver and corrupter of judges.

The next witness is P.W. 27, Ram Chhabila Pande, who says that he attended the meetings of the 4th and 13th January, 1957. He said that in the meeting of the 4th January, Bhagwati Sahi had abused Sri Bhagwati, Judge of the Supreme Court, Thakur Madan Pal Singh and the Directors of the Mills. He then said that in the meeting of the 13th January Bhagwati Sahi denied that he had done so and that the dogs of the Manager falsely said that he had done so. The witness also said that the notes, Exhibits P-15 and P-16, are true notes of the speeches of those days. This witness has not repeated the exact words in his deposition which were used by Sri Bhagwati Sahi and has contented himself by saying that Exhibits P-15 and P-16 are true notes of the speeches of those days.

The other witness on the point is Madan Pal Singh himself who is P.W. 35. He said that a meeting was held in front of the Mills on the 4th January, 1957 at which Bhagwati Sahi had delivered a speech. He then said that he could distinctly hear the speech which was delivered through a loud speaker. He said that the speech of Bhagwati Sahi was couched in a most provocative and filthy language and touched mainly three points. To use Madan Pal Singh's own words, he stated:—

"I as the General Manager was badly abused and my personal character was vilified. He exhorted the workers at the same time to break the machinery and to resort to any illegal means throughout and even to put me in the boiler furnace and so on unless their demands were considered."

Madan Pal Singh does not say that the words attributed to Bhagwati Sahi in Schedule VI were uttered by the latter. Madan Pal Singh's statement, that the speeches were provocative and in filthy language and that his personal character was vilified is an expression of opinion only. According to Sri Madan Pal Singh, he had directed Sri R. K. Lahiri, Secretary of the Mills, and S. P. Sabarwal, Assistant Manager of the Mills, to record all such speeches, but the notes we have before us are not the notes made by these persons but by Mohan Lal Gupta. In regard to the meeting of the 13th of January, 1957, Madan Pal Singh says that Sri Kashi Nath Pandey had concentrated his speech on his might and strength warning Madan Pal Singh that although he (Sri Kashi Nath Pandey) had lost all the cases instituted by his Union till then but he would see to it this time that he won the dispute. Exhibits P-15 and P-16 were shown to this witness and he said that they contained substantially what Sri Madan Pal Singh (witness) had himself heard being spoken to by various speakers. It will be observed that Madan Pal Singh, has not reproduced, through his own

mouth, the words which were actually uttered and has merely contended himself by saying that Exhibits P-15 and P-16 contain substantially what had been said at the meeting. We are of the view that the precise words uttered should have been reproduced and sworn to as having been heard by Madan Pal Singh himself and that it is not enough for him generally to state that substantially what was said on the relevant dates was contained in Exhibits P-15 and P-16.

The last witness produced to prove the speeches was Chandrabhan Singh, P.W. 37. According to him, Bhagwat Sahi said that Madan Pal Singh would have to be put in the boiler furnace, if his (Madan Pal Singh's) mind was not set right and that deprecatory words were used against Sri Bhagwati, Judge of the Supreme Court and that he had also exhorted the audience to be ready for Satyagrah. This witness also said that he was present at the meeting held on the 13th January, 1957. He then refers to what Sri Kashi Nath Pandey had said and then states that the speech of Sri Kashi Nath Pandey had been correctly reported in Exhibit P-16. He does not say that what Bhagwat Sahi had said had been correctly reproduced in the note. So far as the speech on the 13th January, 1957 is concerned, in this examination-in-chief of this witness, we do not find a mention of the exact words which Bhagwat Sahi is alleged to have used.

As against this evidence, the maker of the speeches, Sri Bhagwat Sahi himself has gone into the witness-box as respondents' witness No. 25. He admitted that meetings had been held on the 4th January, 1957 and 13th January, 1957 and that he had addressed these meetings. He was shown Exhibits P-15 and P-16 and stated that he had never said what was contained in those notes of the speeches. He has given his own version of what he had done on those dates and has denied that he did anything else. He was cross examined on the point but no circumstance or fact appears to have been brought out in the cross examination from which it might be inferred that his denial that Exhibits P-15 and P-16 contained a correct representation of what he had spoken was not true.

Sri Kashi Nath Pandey, respondents' witness No. 26, also went into the witness box. He admitted that he had addressed a meeting of the workers at Chhitauni Mills gate on the 13th January, 1957 but he denied that he had said what was attributed to him in Exhibit P-16 which was shown to him. Although Kashi Nath Pandey was said to have been present at the meeting of the 13th January, 1957, it does not appear that he was cross examined in order to elicit from him what Bhagwat Sahi had actually said at that meeting.

Rajdeo Upadhyaya, respondents' witness No. 2, who is alleged to have been present at the meeting held on the 13th of January, 1957, was also examined. No case was put to him in cross examination to establish that Bhagwat Sahi had used the words attributed to him in the Schedule.

Even, therefore, assuming that an enquiry could have been held on the basis of the general allegations made in Schedule III in regard to non-specified abuses being hurled at Madan Pal Singh and even assuming that the speeches made at Chhitauni on the 4th and 13th of January, 1957 could be made the subject matter of an enquiry, we are of the view that it has not been proved that at either of these two meetings Madan Pal Singh was called by Sri Bhagwat Sahi as adopt in giving bribes and influencing the Judges and corrupting the Judiciary of the State and the Union or that he was called a *Dakoo* and *Chor*. It is to be noted that in Schedule VI, so far as Rajdeo Upadhyaya and Gopal Kashyap are concerned they are only generally said to have hurled abuses on Professor Shibban Lal Saxena the abuses are not specified and that it is Sri Bhagwat Sahi who alone is alleged to have abused Sri Saxena and Sri Madan Pal Singh consistently in the exact words attributed to them in the said Schedule.

We are, accordingly of the view that even if the alleged words uttered by Bhagwat Sahi at Chhitauni on the 4th and 13th of January, 1957 could have been made the subject matter of an enquiry, having regard to the allegations made in the petition, it cannot be said that the exact words attributed to him have been proved as having been uttered by him at the said meetings. Consequently we agree with the view expressed by the Election Tribunal that issue No. 9 has not been proved by the petitioner. In our view, therefore, the petition was rightly dismissed.

Accordingly, upon the concession made in this Court and upon our findings, this appeal must fail and is dismissed with costs which we assess at Rs. 300 only.

(Sd.) R. N. G.

(Sd.) D. N. R.

The 9th March, 1957.

[No. 82/463/57.]

New Delhi, the 4th May 1959

S.O. 1000.—In pursuance of sub-section (6) of Section 116A of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby publishes the decision of the High Court of Judicature for the State of Punjab at Chandigarh given on the 8th April, 1959 on an appeal from the order dated the 6th November, 1958 of the Election Tribunal Chandigarh.

IN THE HIGH COURT OF JUDICATURE FOR THE STATE OF PUNJAB AT CHANDIGARH

CIVIL APPELLATE SIDE.

First Appeal from Order No. 1E/59.

Sardar Dayal Singh son of S. Basant Singh, Caste Sikh, resident of Fatehabad, Tehsil Tarn Taran, District Amritsar—Petitioner—Appellant.

Versus

Sardar Surjit Singh Majithia, Deputy Defence Minister, New Delhi—Respondent.

First Appeal from the order of Sh. Rama Prasad Mookerjee, retired Judge of High Court at Calcutta and Member, Election Tribunal, Chandigarh, dated 6th November 1958, dismissing the Election Petition of the Petitioner.

Election Petition under Section 81 of the Representation of the People's Act for declaring the election of Shri Surjit Singh Majithia null and void and for directing fresh election.

Claim in appeal—For reversal of the order of the Election Tribunal.
Dated the 8th April, 1959.

PRESENT:

Hon'ble Mr. Justice D. Falshaw,

AND

Hon'ble Mr. Justice Mehar Singh.

For the petitioner—Mr. J. V. Gupta, Advocate.

For the respondent—M/s. Ved Viyas and B. R. Tuli, Advocates.

This appeal is dismissed as withdrawn with no order as to costs.

Dated the 8th April, 1959.

(Sd.) D. FALSHAW,

(Sd.) MEHAR SINGH,

Judge.

[No. 82/225/57.]

DIN DAYAL, Under Secy.

MINISTRY OF HOME AFFAIRS

New Delhi, the 27th April 1959

S.O. 1001.—In exercise of the powers conferred by section 5 of the Indian Boilers Act, 1923 (5 of 1923) and in modification of the notification of the Government of India in the Ministry of Home Affairs No. 58/1/51-ANL, dated the 30th December 1957, the Central Government hereby appoints:—

- (1) the Deputy Commissioner, Andaman & Nicobar Islands, as 'Chief Inspector of Boilers' for the said Islands;

(Sd.) D. FALSHAW,

- (2) the Chief Engineer, m.v. 'Nicobar', the Chief Engineer, s.s. 'Cholunga', the Chief Engineer, m.v. 'Andamans' and the Second Engineer, m.v. 'Andamans', as 'Inspectors of Boilers' for the Andaman & Nicobar Islands in respect of steam ships belonging to All Government Departments and Private parties in the said Islands;
- (3) the Engineer and Harbour Master, Port Blair, as the 'Inspector of Boilers' for the Andaman and Nicobar Islands exclusively for all boilers other than boilers of ships.

[No. 4/94/58-ANL.]

A. D. SAMANT, Under Secy.

New Delhi, the 30th April 1959

S.O. 1002.—In exercise of the powers conferred by entry 3(b) of the table annexed to Schedule I to the Indian Arms Rules, 1951, the Central Government is pleased to specify Shri Ambikeshwar Saran Singh Deo, eldest son of the Maharaja of Surguja, for the purpose of that entry and directs that the exemption shall be valid in respect of six sporting rifles/guns.

The Ministry of Home Affairs notification No. 16/2/59-P.IV, dated the 24th January 1959, is hereby cancelled.

[No. 16/2/59-P.IV.]

C. P. S. MENON, Dy. Secy.

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 2nd May 1959

S.O. 1003.—In pursuance of clause (a) of section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorises Shri B. K. Mitra, Registrar, Office of the Indian Trade Commissioner, Sydney, to perform the duties of a Consular Agents with immediate effect and until further orders.

[No. F. 12(9)-Cons/58.]

G. P. MATHUR, Attaché (Cons.).

MINISTRY OF FINANCE
(Department of Economic Affairs)

New Delhi, the 29th April 1959

S.O. 1004—Statement of the Affairs of the Reserve Bank of India, as on the 24th April 1959.

BANKING DEPARTMENT

Liabilities		Rs.	Assets		Rs.
Capital paid up	.	5,00,00,000	Notes	.	28,14,45,000
Reserve Fund	.	80,00,00,000	Rupee Coin	.	2,79,000
National Agricultural Credit (Long-term Operations) Fund	.	25,00,00,000	Subsidiary Coin	.	3,58,000
National Agricultural Credit (Stabilisation) Fund	.	3,00,00,000	Bills purchased and Discounted:—		..
Deposits:—			(a) Internal	.	..
(a) Government			(b) External	.	..
(1) Central Government	.	53,63,12,000	(c) Government Treasury Bills	.	7,05,62,000
(2) Other Governments	.	32,96,70,000	Balances held abroad*	.	30,68,40,000
(b) Banks	.	91,59,66,000	**Loans and Advances to Governments	.	43,94,78,000
(c) Others	.	117,94,02,000	†Other Loans and Advances	.	73,44,27,000
Bills Payable	.	18,53,82,000	Investments	.	275,50,56,000
Other Liabilities	.	43,83,08,000	Other Assets	.	12,65,95,000
Rupees	.	471,50,40,000	Rupees	.	471,50,40,000

*Includes Cash & Short term Securities.

**Includes Temporary Overdrafts to State Governments.

†The item 'Other Loans and Advances' includes Rs. 9,57,44,000- advanced to scheduled banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

Dated 29 day of April 1959.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 24th day of April 1959.

ISSUE DEPARTMENT

Liabilities	Rs.	Assets	Rs.
Notes held in the Banking Department.	28,14,45,000	A. Gold Coin and Bullion:—	
Notes in circulation . . .	<u>175145.94,000</u>	(a) Held in India . . .	117,76,03,000
Total Notes issued . . .	1779,60,39,000	(b) Held outside India . . .	..
		Foreign Securities . . .	<u>178,00,89,000</u>
		TOTAL OF A . . .	295,76,92,000
		B. Rupee Coin . . .	132,79,82,000
		Government of India Rupee Securities . . .	1351,03,65,000
		Internal Bills of Exchange and other commercial paper . . .	..
TOTAL LIABILITIES . . .	1779,60,39,000	TOTAL ASSETS . . .	1779,60,39,000

Dated the 29th day of April 1959.

K. G. AMBEGACKAR,
Dy. Governor.

[No. F. 3(2)-BC/59]
A. BAKSI, Jt. Secy.

(Department of Revenue)

INCOME-TAX

New Delhi, the 21st April 1959

S.O. 1005.—In exercise of the powers conferred by sub-section (2) of Section 5 of the Indian Income-tax Act, 1922 (11 of 1922), the Central Government is pleased to appoint Shri B. M. Mitra as Commissioner of Income-tax.

This notification shall take effect from the 13th April, 1959 (forenoon).

[No. 39 (F. No. 55/27/59-IT).]

S.O. 1006.—In exercise of the powers conferred by sub-section (2) of Section 5 of the Indian Income-tax Act, 1922 (11 of 1922), the Central Government is pleased to appoint Shri H. P. Sharma as Commissioner of Income-tax.

This notification shall take effect from 11th April 1959 (forenoon).

[No. 40 (F. No. 55/27/59-IT).]

S.O. 1007.—In exercise of the powers conferred by sub-section (2) of Section 5 of the Indian Income-tax Act, 1922 (11 of 1922), the Central Government is pleased to appoint Shri P. Madhava Rau as Commissioner of Income-tax.

This notification shall take effect from the 11th April 1959 (forenoon).

[No. 41 (F. No. 55/27/59-IT).]

S.O. 1008.—In exercise of the powers conferred by sub-section (2) of Section 5 of the Indian Income-tax Act, 1922 (11 of 1922), the Central Government is pleased to appoint Shri G. S. Srivastava as Commissioner of Income-tax.

This notification shall take effect from the 13th April, 1959 (forenoon).

[No. 42 (F. No. 55/27/59-IT).]

B. V. MUNDKUR, Under Secy.

(Department of Revenue)

CORRIGENDUM

INCOME-TAX

New Delhi, the 1st May 1959

S.O. 1009.—In the notification of the Government of India in the Ministry of Finance (Revenue Division) No. 22 (S.R.O. 744), dated the 30th March, 1955, in item 8,

for “(i) palace at old Jubbal”

read “(i) palace (Deora) at Jubbal”.

[No. 60/(22/12/59-IT).]

M. S. SIVRAMKRISHNA, Under Secy.

CENTRAL BOARD OF REVENUE

INCOME-TAX

New Delhi, the 21st April 1959

S.O. 1010.—In exercise of the powers conferred by sub-section (2) of Section 5 of the Indian Income-tax Act, 1922 (11 of 1922) and in partial modification of all previous notifications on the subject the Central Board of Revenue hereby directs that with effect from 11th April 1959 (forenoon) Shri H. P. Sharma, who has been appointed by the Central Government to be a Commissioner of Income-tax, shall perform all the functions of Commissioner of Income-tax in respect of such areas or of such persons or classes of persons or such incomes or classes of incomes

or such cases or classes of cases as are comprised in the Income-tax Circles, Ward or Districts in the State of West Bengal as specified below:—

1. Companies District II, Calcutta.
2. Companies District IV, Calcutta.
3. District III(2), Calcutta.
4. Special Survey Circle I, Calcutta.
5. District V(1), Calcutta.
6. District I(I), Calcutta.
7. Non-Companies (I.T.-cum-E.P.T.) District II, Calcutta.
8. District IV(I), Calcutta.
9. District IV(3), Calcutta.
10. Special Survey Circle II, Calcutta.
11. Special Survey Circle III, Calcutta.
12. District V(II), Calcutta.
13. District I(2), Calcutta.
14. Special Survey Circle IV, Calcutta.
15. Project Circle, Calcutta.
16. District V-A, Calcutta.
17. Railways & Miscellaneous Salaries Circle, Calcutta.
18. District IV(2), Calcutta.
19. District II(I), Calcutta.
20. Cinema Circle, Calcutta.
21. Special Survey Circle IX, Calcutta.

Provided that he shall also perform his functions in respect of such persons or of such cases as have been or may be assigned by the Central Board of Revenue to any Income-tax Authority subordinate to him:

Provided further that he shall not perform his functions in respect of such persons or such cases as have been or may be assigned to any Income-tax Authority outside his jurisdictional area.

While performing the said functions the said Shri Sharma shall be designated as the Commissioner of Income-tax, Calcutta with headquarters at Calcutta.

Explanatory Note

NOTE.—The amendments have become necessary due to a change in the incumbent of Commissioner's post.

(The above note does not form a part of the notification but is intended to be merely clarificatory.)

[No. 44 (F. No. 55/27/59-IT).]

S.O. 1011.—In exercise of the powers conferred by sub-section (2) of Section 5 of the Indian Income-tax Act, 1922 (11 of 1922) and in partial modification of all previous notifications on the subject the Central Board of Revenue hereby directs that with effect from 13th April 1959 (forenoon) Shri G. S. Srivastava who has been appointed by the Central Government to be a Commissioner of Income-tax, shall perform all the functions of Commissioner of Income-tax in respect of such areas or of such persons or classes of persons or such incomes or classes of incomes or such cases or classes of cases as are comprised in the following Income-tax Circles, Wards and Districts, namely:—

Central Section I, II, III, IV, V, VI, VII, VIII, IX, X, XI, XII, XIII, XIV and Central Circles I-A, I-B, I-C, II-A, II-B, II-C, II-D, and II-E at Bombay and Central Circle I, II & III at Ahmedabad.

Provided that he shall also perform his functions in respect of such persons or such cases as have been or may be assigned by the Central Board of Revenue to any Income-tax Authority subordinate to him:

Provided further that he shall not perform his functions in respect of such persons or such cases as have been or may be assigned to any Income-tax Authority outside his jurisdictional area.

While performing the said functions the said Shri Srivastava shall be designated as the Commissioner of Income-tax (Central) Bombay with headquarters at Bombay.

Explanatory Note

NOTE.—The amendments have become necessary on account of a change in the incumbent of Commissioner's post.

(The above note does not form a part of the notification but is intended to be merely clarificatory.)

[No. 46 (F. No. 55/27/59-IT).]

S.O. 1012.—In exercise of the powers conferred by sub-section (2) of Section 5 of the Indian Income-tax Act, 1922 (II of 1922), the Central Board of Revenue hereby directs that for the existing Income-tax Circles, Wards and Districts cited in its notification S. O. 1280 No. 64-Income-tax dated the 27th June 1958 the following Income-tax Circles, Wards and Districts shall be substituted, namely :—

1. Rajkot Circle.
2. Bhavnagar Circle.
3. Jamnagar Circle.
4. Surendranagar Circle.
5. Junagadh Circle.
6. Amreli Circle.
7. Morvi Circle.
8. Porbandar Circle.
9. Bhuj Circle.
10. Surat Circle.
11. Navsari Circle.
12. Breach Circle.
13. Nadiad Circle.
14. Godhra Circle.
15. Baroda Circle.
16. Special Circle, Baroda.
17. Petlad Circle.
18. Mehsana Circle.
19. Patan Circle.
20. Circle I, Ahmedabad.
21. Circle II, Ahmedabad.
22. Circle III, Ahmedabad.
23. Circle IV, Ahmedabad.
24. Special Circle, Ahmedabad.
25. Additional Special Investigation Circle, Ahmedab d.
26. Special Survey Circle, Ahmedabad.
27. Special Investigation Circle, Ahmedabad.
28. Palanpur Circle.
29. E. D. cum I. T. Circle, Ahmedabad.
30. E. D. cum I. T. Circle, Baroda.

This notification shall be deemed to have taken effect from the 1st May 1959.

[No. 48 (F. No. 55/27/59-1T).]

New Delhi, the 27th April 1959

S.O. 1013.—In exercise of the powers conferred by sub-section (4) of Section 5 of the Indian Income-tax Act, 1922 (II of 1922), the Central Board of Revenue hereby makes the following

amendments in the Schedule appended to its notification S.O. 660 No. 35 dated the 22nd April, 1958, namely :—

In the said Schedule under the Sub-head "XI-Mysore" for the existing entries in columns 1 and 2 the following entries shall be substituted, namely :—

"A" Range, Bangalore

1. Bangalore City Circle I.
2. Mysore Circle.
3. Tumkur Circle.
4. Mangalore Circle.
5. Udupi Circle.
6. Rural Circle, Bangalore.
7. Estate Duty cum Income-tax Circle, Mysore.

"B" Range, Bangalore

1. Bangalore City Circle II.
2. Special Circle, Bangalore.
3. Salary Circle, Bangalore.
4. Shimoga Circle.
5. Hassan Circle.
6. Kolar Circle.
7. Bellary Circle.
8. Raichur Circle.
9. Davangere Circle.

Dharwar Range, Dharwar

10. Estate Duty cum Income-tax Circle, Bangalore.
1. All Income-tax Wards of Dharwar District, having Headquarters at Dharwar.
2. All Income-tax Wards of Belgaum District having Headquarters at Belgaum.
3. Karwar Circle, Karwar.
4. All Income-tax Wards of Bijapur District having Headquarters at Bijapur.
5. Gulbarga Circle.
6. Estate Duty cum Income-tax Circle, Dharwar.

These amendments shall come into force from the 1st May 1959.

Explanatory Note

NOTE.—The amendments have become necessary on account of the re-organisation of the Appellate Assistant Commissioners' Ranges in the charge of the Commissioner of Income-tax, Mysore.

(The above note does not form a part of the notification but is intended to be merely clarificatory.)

[No. 50 (F. No. 50/29/59-IT).]

S.O.1014.—In exercise of the powers conferred by sub-section (4) of Section 5 of the Indian Income-tax Act, 1922 (11 of 1922), the Central Board of Revenue hereby makes the following amendments in the Schedule appended to its notification S.O. 660 No. 35 dated the 22nd April, 1958, namely :—

In the said Schedule under the Sub-head "XIII-Punjab, Jammu & Kashmir and Himachal Pradesh" for the existing entries in columns 1 and 2 the following entries shall be substituted, namely :—

Amritsar Range

1. Amritsar.
2. Foreign Section, Amritsar.
3. E. D. cum I. T. Circle, Amritsar.
4. Special Circle, Amritsar.
5. Special Wards I and II, Amritsar.
6. Srinagar.
7. Kashmir Mofussil, Srinagar.
8. Salary Circle, Srinagar.
9. Project Circle, Srinagar.
10. Special Ward, Srinagar.
11. Survey Circle, Srinagar.
12. Jammu.
13. Projects Circle, Jammu.
14. Udhampur.
15. Projects-cum-Udhampur Circle, Udhampur.
16. Ferozepore.
17. Special Survey Circle, Amritsar.

(In respect of persons who have their principal place of business in or reside in the districts [of Amritsar and Ferozepur].)

Jullundur Range

1. Jullundur.
2. Hoshiarpur.
3. Gurdaspur.
4. Ludhiana.
5. Ambala.
6. Special Circle, Ambala.
7. Special Survey Circle, Amritsar.

(In respect of persons who have their principal place of business in or reside in the jurisdiction of Income-tax Circles specified in entries 1, 2, 3, 4 and 5.)

Patiala Range

1. Patiala.
2. Salary Circle, Patiala.
3. E. D. cum I. T. Circle, Patiala.
4. Project Circle, Patiala.
5. Simla.
6. Chandigarh.
7. Sangrur.
8. Special Survey Circle, Patiala.

(In respects of persons who have their principal place of business in or reside in the jurisdiction of Income-tax Circles specified in entries 1, 5, 6 and 7.)

Rohtak Range

1. Rohtak.
2. Hissar.
3. Bhatinda.
4. Karnal.
5. Special Survey Circle, Patiala

(In respect of persons who have their principal place of business in or reside in the jurisdiction of Income-tax Circles specified in entries 1, 2, 3 and 4.)

These amendments shall come into force from the 1st May 1959.

Explanatory Note

NOTE.—The amendments have become necessary on account of the re-organisation of the Appellate Assistant Commissioners' Ranges in the charge of the Commissioner of Income-tax, Punjab, Jammu & Kashmir and Himachal Pradesh.

(The above note does not form a part of the notification but is intended to be merely clarificatory.)

[No. 51 (F. No. 50/30/59-IT).]

S.O. 1015.—In exercise of the powers conferred by sub-section (4) of Section 5 of the Indian Income-tax Act, 1922 (ix of 1922), the Central Board of Revenue hereby makes the following amendments in the Schedule appended to its notification S.O. 660 No. 35 dated the 22nd April, 1958, namely :—

In the said Schedule under the Sub-head "XII-Madras" for the existing entries in columns 1 and 2 the following entries shall be substituted, namely :—

Madras Range

1. Madras City Circle I.
2. Madras City Circle II.
3. Madras City Circle III.
4. Madras City Circle IV.
5. Madras City Circle V.
6. Madras (Special) Circle.
7. Special Circle, Madras.
8. Salaries Circle, Madras.
9. Foreign Section Madras.
10. Central Circles I & II, Madras.
11. Special Survey Circle No. I, Madras.
12. Estate Duty cum Income-tax Circle, Madras.
13. Madras Special (Central) Circle.

Madurai Range

1. Madurai Circle.
2. Estate Duty cum Income-tax Circle, Madurai.
3. Virudhunagar Circle.
4. Tuticorin Circle.
5. Tirunelveli Circle.
6. Nagercoil Circle.
7. Dindigul Circle.
8. Karaikudi Circle.

Tiruchirapalli Range

1. Tiruchirapalli Circle.
2. Pudukkottai Circle.
3. Salem Circle.
4. Estate Duty cum Income-tax Circle, Salem.
5. Ootacamund Circle.
6. Tanjore Circle.
7. Nagapattinam Circle.
8. Vellore Circle.
9. Cuddalore Circle.
10. Kanchipuram Circle.

These amendments shall come into force from the 1st May 1959.

Explanatory Note

NOTE.—The amendments have become necessary on account of the re-organisation of the Appellate Assistant Commissioners' Ranges in the charge of the Commissioner of Income-tax, Madras.

(The above note does not form a part of the notification but is intended to be merely clarificatory.)

[No. 53 (F. No. 50/28/59-IT).]

S.O. 1016.—In exercise of the powers conferred by sub-section (4) of Section 5 of the Indian Income-tax Act, 1922 (11 of 1922), the Central Board of Revenue hereby makes the following further amendments to its notification S.O. 660 No. 35-Income-tax, date the 22nd April, 1958, namely:—

For the existing entries in columns 1 and 2 of the Schedule under Sub-head "Kerala and Coimbatore" the following entries shall be substituted, namely:—

Coimbatore Range	<ol style="list-style-type: none"> 1. Coimbatore Circle. 2. Special Circle, Coimbatore. 3. E.P.T. Circle, Coimbatore and Erode. 4. E.D. cum I.T. Circle, Coimbatore 5. Erode Circle. 6. Special Survey Circle, Coimbatore. <p>(In respect of persons who have their principal place of business in or reside within the jurisdiction of the I.T. Circles mentioned above.)</p> <ol style="list-style-type: none"> 7. Palghat Circle. 8. Cannanore Circle. 9. Trichur Circle. 10. Alwaye Circle. 11. Special Survey Circle, Ernakulam. <p>(In respect of persons who have their principal place of business in or reside within the jurisdiction of the Income-tax Circle, Palghat, Cannanore, Trichur and Alwaye.)</p>
Calicut Range	<ol style="list-style-type: none"> 1. Calicut Circle. 2. Kottayam Circle. 3. Alleppey Circle. 4. Ernakulam Circle. 5. Mattanchery Circle. 6. Quilon Circle. 7. Trivandrum Circle. 8. Salary Circle, Trivandrum. 9. Special Circle, Trivandrum. 10. Special Survey Circle, Ernakulam. <p>(In respect of persons who have their principal place of business in or reside within the jurisdiction of the Income-tax Circles mentioned above.)</p> <ol style="list-style-type: none"> 11. Estate Duty cum Income-tax Circle, Ernakulam.

These amendments shall take effect from the 4th May, 1959.

Explanatory Note

NOTE.—The amendments have become necessary on account of the re-organisation of the Appellate Ranges in the charge of the Commissioner of Income-tax, Kerala and Coimbatore.

(The above note does not form a part of the notification but is intended to be merely clarificatory.)

[No. 54 (F. No. 50/26/59-IT).]

S.O. 1017—In exercise of the powers conferred by sub-section (4) of Section 5 of the Indian Income-tax Act, 1922 (11 of 1922), the Central Board of Revenue hereby makes the following amendments in the Schedule appended to its notification SO 660 No. 35, dated the 22nd April, 1958, namely :—

In the said Schedule under the Sub-head “II-Assam, Manipur & Tripura” for the existing entries in columns 1 and 2 the following entries shall be substituted, namely :—

Gauhati Range	1. Shillong. 2. S. I. B. Shillong. 3. Gauhati. 4. Goalpara Garo Hills Circle, Dhubri. 5. Darrang Circle, Tezpur. 6. Silchar. 7. Nowrang. 8. Tripura.
Dibrugarh Range	1. Dibrugarh . 2. Salary Circle, Dibrugarh. 3. I. T. Cum Estate Duty Circle, Dibrugarh. 4. Jorhat.

These amendments shall come into force from the 1st May 1959.

Explanatory Note

NOTE.—The amendments have become necessary on account of the re-organisation of the Appellate Assistant Commissioners’ Ranges in the charge of the Commissioner of Income-tax, Assam, Manipur & Tripura.

(The above note does not form a part of the notification but is intended to be merely clarificatory).

[No. 55 (F. No. 50/43/58-IT).]

S.O. 1018—In exercise of the powers conferred by sub-section (4) of Section 5 of the Indian Income-tax Act, 1922 (11 of 1922), the Central Board of Revenue hereby makes the following amendments in the Schedule appended to its notification S.O. 660 No. 35-I.T. dated the 22nd April, 1958, namely :—

In the Schedule under the sub-head “I—Andhra Pradesh” for the existing entries in columns 1 and 2 the following entries shall be substituted, namely :—

‘A’ Range, Hyderabad	1. A—Ward, Hyderabad. 2. C—Ward, Hyderabad. 3. E—Ward, Hyderabad. 4. Cuddapah. 5. Anantapur. 6. Adoni. 7. Kurnool.
‘B’ Range, Hyderabad	1. B—Ward, Hyderabad. 2. Special Circle, Hyderabad. 3. Salary Circle, Hyderabad. 4. Multi Purpose Project Circle, Hyderabad. 5. D—Ward, Hyderabad. 6. Special Survey Circle, Hyderabad. 7. Warangal. 8. Nizamabad. 9. Khammameth.

Guntur Range, Guntur.

1. Guntur.
2. Baptla.
3. Tenali.
4. Nellore.
5. Chittoor.

Vijayawada Range,
Vijayawada.

1. Vijayawada.
2. Special Survey Circle, Vijayawada.
3. Special Circle, Vijayawada.
4. Masulipatnam.
5. Palcole.

Rajamundry Range,
Rajamundry.

1. Rajahmundry.
2. Eluru.

Visakhapatnam Range,
Visakhapatnam.

1. Visakhapatnam.
2. Vizianagaram.

These amendments shall take effect from the 1st May, 1959.

Explanatory Note

NOTE.—The amendments have become necessary on account of the re-organisation of the Appellate Assistant Commissioners' Ranges in the charge of the Commissioner of Income-tax Andhra Pradesh.

(The above note does not form a part of the notification but is intended to be merely clarificatory.)

[No. 56 (F. No. 50/18/59-IT).]

S.O. 1019—In exercise of the powers conferred by sub-section (4) of Section 5 of the India income-tax Act, 1922 (II of 1922), the Central Board of Revenue hereby makes the following amendments in the Schedule appended to its notification S.O. 660 No. 35, dated the 22nd April, 1958, namely :—

In the said Schedule under the Sub-head "III-Bihar and Orissa" for the existing entries in columns 1 and 2 the following entries shall be substituted, namely :—

Patna Range

1. Special Circle, Patna.
2. Patna Circle, Patna.
3. Special Investigation Circle, Patna.
4. Gaya Circle, Gaya.
5. Shahabad Circle, Arrah.
6. Special E. D. Cum I. T. Circle, Patna.

Ranchi Range

1. Ranchi—Palamu Circle, Ranchi.
2. Hazaribagh Circle, Hazaribagh.
3. Salaries Circle, Ranchi.
4. Dhanbad Circle, Dhanbad.
5. Colliery Circle, Dhanbad.
6. Special Circle, Ranchi.
7. Project Circle, Ranchi.

Bhagalpur Range

1. Bhagalpur Circle, Bhagalpur.
2. Monghyr Circle, Monghyr.
3. Santhal Parganas Circle, Deoghar.

Muzaffarpur Range

1. Muzaffarpur Circle, Muzaffarpur.
2. Champaran Circle, Motihari.
3. Darbhanga Circle, Laheriasarai.
4. Saran Circle, Chapra.
5. Purnea-Saharsa Circle, Purnea.

Jamshedpur Range

1. Jharsuguda Circle, Jharsuguda.
2. Singhbhum Circle, Jamshedpur.
3. Baripada Circle, Baripada.

Cuttack Range

1. Cuttack Circle, Cuttack.
2. Special Circle, Cuttack.
3. Puri Circle, Puri.
4. Berhampur Circle, Berhampur.
5. Titilagarh Circle, Titilagarh.
6. Salaries Circle, Puri.
7. Special Survey Circle, Cuttack.

These amendments shall take effect from the 1st May 1959.

Explanatory Note

NOTE.— The amendments have become necessary on account of the re-organisation of the Appellate Assistant Commissioners' Ranges in the Charge of the Commissioner of Income-tax, Bihar & Orissa.

(This note does not form a part of the notification but is intended to be merely clarificatory).

[No. 57 (F. No. 50/20/59-IT).]

S.O. 1020.—In exercise of the powers conferred by sub-section (4) of Section 5 of the Indian Income-tax Act, 1922 (11 of 1922), the Central Board of Revenue hereby makes the following amendments in the Schedule appended to its notification S.O. 660 No. 35, dated the 22nd April, 1958, namely:—

In the said Schedule under the sub-head "VI—Bombay South" for the existing entries in columns 1 and 2 the following entries shall be substituted, namely:—

Poona Range I

1. All Income-tax Circles and Wards having headquarters at Poona, excluding Wards A, B, C and Wealth-tax Circles at Poona.
2. All Income-tax Wards of Ahmednagar District having headquarters at Ahmednagar.
3. Special Estate Duty-cum-Income-tax Circle, Poona.
4. Special Survey Circle, Bombay South.
 - (i) in respect of persons who have income from business, profession or vocation and having their principal place of business in the District of Poona;
 - (ii) in respect of persons having income from sources other than business profession or vocation and residing in the District of Poona; and
 - (iii) in respect of cases transferred to the Circle under Section 5(7A) of the Act.

Poona Range II

1. Income-tax Wards A, B, C and Wealth-tax Circle of Poona, having headquarters at Poona.
2. All Wards of Kolaba District having headquarters at Alibag.
3. All Income-tax Circles and Wards having headquarters in the following Districts:—
 - (i) Aurangabad (for Aurangabad and Bhir); and
 - (ii) Nanded (for Nanded and Parbhani).

Kolhapur Range

1. All Income-tax Circles and Wards having headquarters in the following Districts:—
 - (1) Kolhapur.
 - (2) North Satara, Satara.
 - (3) South Satara, Sangli.
 - (4) Sholapur.
 - (5) Latur (for Osmanabad District).
 - (6) Ratnagiri.

Nasik Range

1. All Income-tax Circles and Wards having headquarters in the following Districts:—
 - (1) Nasik.
 - (2) Jalgaon.
 - (3) Dhulia.
 - (4) Thana.
2. Special Survey Circle, Bombay South.
 - (i) in respect of persons who have income from business, profession or vocation and having their principal place of business in the District of Thana; and
 - (ii) in respect of persons having income from sources other than business profession or vocation and residing in the District of Thana.

Akola Range

1. All Income-tax Circles and Wards having headquarter in the following Districts:—
 - (1) Akola.
 - (2) Amraoti.
 - (3) Yeotmal.
 - (4) Khamgaon (for Buldhana District).
 - (5) Wardha (for Wardha, Chanda and Rajura).

These amendments shall take effect from the 1st May, 1959.

Explanatory Note

NOTE.—The amendments have become necessary on account of the re-organisation of the Appellate Assistant Commissioners' Ranges in the charge of the Commissioner of Income-tax, Bombay South.

(The above note does not form a part of the notification but is intended to be merely clarificatory.)

[No. 58 (F. No. 50/23/59-IT).]

S.O. 1021.—In exercise of the powers conferred by sub-section (4) of Section 5 of the Indian Income-tax Act, 1922 (11 of 1922), the Central Board of Revenue hereby makes the following amendments in the Schedule appended to its notification S.O. 660 No. 35 dated the 22nd April, 1958, namely:—

In the said Schedule under the sub-head "V—Bombay North" for the existing entries in columns 1 and 2 the following entries shall be substituted, namely:—

Ahmedabad Range I

1. Central Circles I, II & III, Ahmedabad.
2. Special Investigation Circle and Additional Special Investigation Circle, Ahmedabad.
3. Special Circle, Ahmedabad.
4. Estate Duty-cum-Income-tax Circles, Ahmedabad.
5. Special Survey Circle, Ahmedabad.
6. Circle I, Ahmedabad.
7. Patna Circle.
8. Mehsana Circle.
9. Palanpur Circle.

Ahmedabad Range II

1. Circles II, III & IV, Ahmedabad.
2. Nadia Circle.
3. Petlad Circle.

Baroda Range	..	1. Baroda Circle. 2. Special Circle, Baroda. 3. Estate Duty-cum-Income-tax Circle, Baroda. 4. Broach Circle. 5. Godhra Circle.
Surat Range	..	1. Surat Circle. 2. Estate Duty-cum-Income-tax Circle, Surat. 3. Navsari Circle.
Rajkot Range	..	1. Rajkot Circle. 2. Estate Duty-cum-Income-tax Circle, Rajkot. 3. Morvi Circle. 4. Bhuj Circle. 5. Jamnagar Circle.
Bhavnagar Range	..	1. Bhavnagar Circle. 2. Junagadh Circle. 3. Porbandar Circle. 4. Surendranagar Circle. 5. Amreli Circle.

These amendments shall come into force from the 1st May, 1959.

Explanatory Note

NOTE.—The amendments have become necessary on account of the re-organisation of the Appellate Assistant Commissioners, Ranges in the charge of the Commissioner of Income-tax, Bombay North.

(The above note does not form a part of the notification, but is intended to be merely clarificatory.)

[No. 59 (F. No. 50/22/59-IT).]

B. V. MUNDKUR, Under Secy.

ESTATE DUTY

New Delhi, the 4th May 1959

S.O. 1022.—In exercise of the powers conferred by the second proviso to sub-section (2) of section 4 of the Estate Duty Act, 1953 (34 of 1953) and in supersession of its notification No. 39/F. No. 21/74/57-ED, dated the 31st March, 1958 the Central Board of Revenue hereby directs that, subject to the pecuniary limits specified in the notification of the Central Board of Revenue No. 11-ED/21/52/57-ED, dated the 5th September, 1957 as amended by its notification No. 8/F. No. 12/1/59-ED, dated the 1st April, 1959, every Income-tax Officer appointed to be an Assistant Controller and posted to the Estate Duty cum Income-tax Circle, Bangalore and every Inspecting Assistant Commissioner of Income-tax appointed to be a Deputy Controller and exercising jurisdiction over the said Circle shall perform his functions as Assistant Controller and Deputy Controller respectively in the said Circle to the exclusion of all other Assistant Controllers or Deputy Controllers in respect of the estates of all deceased persons who immediately before their death were being or would have been assessed to income-tax had they derived any taxable income in any Income-tax Circle the headquarters of which lies within the revenue districts of Bangalore, Kolar, Tumkur, Shimoga, Chitaldrug, Mysore, Mandya, Coorg, South Kanara, Chikmagalur and Hassan.

2. This notification shall take effect from the 1st May, 1959.

Explanatory Note

(This note is not part of the notification but is intended to be merely clarificatory.)

This notification revises the jurisdiction of the Estate Duty cum Income-tax Circle, Bangalore. This is due to the creation of one more Estate Duty cum Income-tax Circle with headquarters at Dharwar for the convenience of the public.

[No. 9/F. No. 4/48/58-ED.]

S.O. 1023.—In exercise of the powers conferred by the second proviso to sub-section (2) of section 4 of the Estate Duty Act, 1953 (34 of 1953), the Central Board of Revenue hereby directs that, subject to the pecuniary limits specified in the notification of the Central Board of Revenue No. 11-ED/21/52/57-ED, dated the 5th September, 1957 as amended by its notification No. 8/F. No. 12/1/59-ED, dated the 1st April, 1959, every Income-tax Officer appointed to be an Assistant Controller and posted to the Estate Duty *cum* Income-tax Circle, Dharwar and every Inspecting Assistant Commissioner of Income-tax appointed to be a Deputy Controller and exercising jurisdiction over the said Circle shall perform his functions as Assistant Controller and Deputy Controller respectively in the said Circle to the exclusion of all other Assistant Controllers or Deputy Controllers in respect of the estates of all deceased persons who immediately before their death were being or would have been assessed to income-tax had they derived any taxable income in any Income-tax Circle the headquarters of which lies within the revenue districts of Dharwar, Belgaum, North Kanara, Gulbarga, Bijapur, Raichur, Bidar and Bellary.

2. This notification shall take effect from the 1st May, 1959.

Explanatory Note

(This note is not part of the notification but is intended to be merely clarificatory.)

This notification has become necessary due to the creation of a new Estate Duty *cum* Income-tax Circle at Dharwar.

[No. 10/F. No. 4/48/58-ED.]

S.O. 1024.—In exercise of the powers conferred by the second proviso to sub-section (2) of section 4 of the Estate Duty Act, 1953 (34 of 1953), the Central Board of Revenue hereby makes the following amendments in its notification No. 24/F. No. 34/3/57-ED, dated the 25th January, 1958 which was published under S.R.O. 376 (irr) Part II, Section 3 of the Gazette of India, dated the 1st February, 1958, namely:—

In the said notification,—

- (i) for the words “Estate Duty *cum* Income-tax Circle, Bangalore”, the words “Estate Duty *cum* Income-tax Circles, Bangalore, and Dharwar” shall be substituted;
- (ii) for the words “in the said Circle”, the words “in the said Circles” shall be substituted.

2. This notification shall take effect from the 1st May, 1959.

Explanatory Note

(This note is not part of the amendments but is intended to be merely clarificatory.)

This notification has become necessary due to the creation of a new Estate Duty *cum* Income-tax Circle at Dharwar.

[No. 11/F. No. 4/48/58-ED.]

D. SUBRAMANIAN, Secy.

CENTRAL EXCISE COLLECTORATE, BARODA

*Amendment No. 2 of 1959 to Central Excise Notification
Baroda, the 23rd April 1959*

S.O. 1025.—The following further amendments shall be made in the Baroda Central Excise Collectorate, Central Excise Notification No. 1/1958 published on pages 302 and 303 of sub-section II of Section 3 of Part II of the Gazette of India dated 12th April, 1958.

- I. After Rule 12 appearing in Column No. 3 against S. No. 2 of the table in the said Notification, the following shall be added.

“12 A.”

In Column No. 4 against S. No. 2 after Rule 12, the following shall be added.

"Rule 12A:—To be exercised only when such exports relate to ports other than the major ports of Madras, Calcutta and Bombay."

II. After Rule 210-A appearing in Col. No. 3 against S. No. 3 of the table in the said Notification, the following shall be added.

"212"

In Column No. 4 against S. No. 3 after Rule 210 A the following shall be added.

"Rule 212:—Powers under this rule to direct destruction of confiscated tobacco which, due to its deteriorated condition, fails to attract bidders to purchase it either on payment of duty or for rewarehousing it, shall be exercised by the Superintendents of Central Excise subject to the condition that the weight of the tobacco to be destroyed does not exceed 25 Standard Maunds in each individual case.

III. Insert the following new item as Sr. No. 4-A after the existing Sr. Nos. 4.

4A. Adjudicating Authority 206(3) Power under this Rule will be exercised by the officer who is competent to adjudicate the case.

[No. V(a)24-1/T/55.]

Amendment No. 3 of 1959 to Central Excise Notifications

Baroda, the 27th April 1959

S.O. 1026.—The following further amendments shall be made in this Collectorate Central Excise Notification No. 2 of 1958.

I. In column No. 6 against Sidhpur Taluka under S. No. 4, Viramgam Division, add the following after the entry bearing S. No. 10.

"11. Vervada. 12. Amudh. 13. Visol. 14. Chandalaj. 15. Sidhi. 16. Khali. 17. Mukutpur. 18. Kershnapur. 19. Sunok. 20. Aithor. 21. Kerli. 22. Hajipur. 23. Dasaj. 24. Ganvada. 25. Kalana. 26. Sajanwada."

II. In column No. 6 against Dholka Taluka under S. No. 4, Viramgam Division, add the following after the entry bearing No. 23.

"24. Siawada. 25. Vataman. 26. Kuka. 27. Virdi."

III. Under S. No. 2, Baroda Division, against Limkheda Taluka put a full stop after the words "All villages" and delete the remaining portion viz. "except..... Plipli." in Column No. 6.

IV. Under S. No. 2, Baroda Division, against Baria Taluka, delete the villages at S. Nos. 8, 9, 11, 12 viz. Laveria, Panchela, Meerup and Math in Column No. 6 and renumber the villages at S Nos. 10 and 13 to 16 as S. Nos. 8 to 12.

V. Read village 'Chhipadi' appearing at S. No. 11 in Column No. 5 against Kapadwanj Taluka under S. No. 3, Ahmedabad Division, as 'Chhipial.'

[No. V(a)24-253/T/56.]

R. PRASAD, Collector.

COLLECTORATE OF CENTRAL EXCISE, CALCUTTA

CENTRAL EXCISE

Calcutta, the 30th April 1959

S.O. 1027.—In exercise of the powers conferred on me by rule 5 of the Central Excise Rules, 1944, I hereby empower the Superintendents of Central Excise

in the Collectorate of Central Excise, Calcutta, to exercise the powers of Collector under the rule enumerated in Column (1) of the table subject to the restrictions set out in Column (2) thereof:

Relevant rule in respect of which power delegated. (1)	Restrictions, if any. (2)
212	The power to direct destruction under this rule is restricted to the confiscated Tobacco only and subject to the condition that the weight of the Tobacco to be destroyed shall not exceed 25 standard maunds in each individual case.

[No. 7/1959.]

S. P. KAMPANI, Collector.

MINISTRY OF COMMERCE AND INDUSTRY

New Delhi, the 28th April 1959

S.O. 1028.—In exercise of the powers conferred by sub-section (4) of section 55 of the Indian Patents and Designs Act, 1911 (2 of 1911), the Central Government hereby authorises the Joint Controller of Patents and Designs for the purposes of the said sub-section.

[No. F. 9(2)-TMP/59.]

K. RAJARAMAN, Under Secy.

New Delhi, the 30th April 1959

S.O. 1029.—In exercise of the powers conferred by rule 15(1) of the Khadi and Village Industries Commission Rules, 1957, the Central Government hereby appoints Shri K. Arunachalam, Sanchalak of the Gandhi Smarak Nidhi, Tamil Nad, as a member of the Khadi and Village Industries Board, in the vacancy caused by the resignation of Shri O. P. Ramaswami Reddiar.

[No. F. 4(8)/58-KVE.]

Mrs. P. JOHARI, Dy. Secy.

ORDERS

New Delhi, the 1st May 1959

S.O. 1030/IDRA/6/6.—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act 1951 (65 of 1951) read with rules 4 and 5 of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints the following persons to be members of the Development Council for the scheduled industries engaged in the manufacture and production of electric fans, electric lamps, electronic equipment, house-hold appliances (such as electric irons, heaters and the like), storage batteries, dry batteries, telephones, telegraphic equipment, wireless and communication apparatus, radio receivers including amplifiers and public address equipment, television sets, teleprinters, air-conditioners and refrigerators, electricity meters and panel instruments in place of the members whose term of office has expired by efflux of time or otherwise :—

Serial No.	Name and address of member	Interest represented	Chairman Member
I.	Shri S. T. Thadani, Deputy Director General(S), Directorate General of Supplies and Disposals, New Delhi.	"consumers"	Chairman

Serial No.	Name and address of member	Interest represented	Chairman/Member
2.	Shri T. R. Gupta, Jay Engineering Works, Ltd., Post Box 2158, <i>Calcutta.</i>	"owners"	Member
3.	Shri I. Sukumar, M/s. Oriental General Industries Ltd., 8, Royal Exchange Place, <i>Calcutta-1.</i>	"owners"	Do.
4.	Mr. H. R. Gregson, Associated Battery Makers (Eastern) Private Ltd., Barlow House, 59C, Chowringhee Road, G.P.O. Box 2029, <i>Calcutta-20.</i>	Do.	Do.
5.	Shri H. N. Doshi, C/o, Estrela Batteries Ltd., Yusuf Building, Veer Nariman Road, Fort, <i>Bombay.</i>	"owners"	Member
6.	Mr. S. Dorresteyn, Electric Lamp Manufacturers (India) Private Ltd., ELMI, 1, Taratolla Road, Garden Reach, <i>Calcutta-24.</i>	"owners"	Do.
7.	Mr. H. V. Major, The National Ekco Radio & Engineering Co. Ltd., Ewart House, Bruce Street, Fort, <i>Bombay-1.</i>	"owners"	Do.
8.	Shri K. Nageswaran, Resa Company, 3/16, Mount Road, <i>Madras-2.</i>	"owners"	Do.
9.	Shri J. Dass, Works Manager, Jaipur Metals & Electricals Ltd., Near Railway Station. <i>Jaipur.</i>	"owners"	Do.
10.	Shri K. G. Parmeswaran, Managing Director, Amco Batteries Ltd., <i>Bangalore-2.</i>	"owners"	Do.
11.	Shri S. S. Khosla, Kay Engineering Co., <i>Kapurthala.</i>	"owners"	Do.
12.	Dr. P. K. Kapre, Industrial Director, Philips India Limited, 3/1, Asaf Ali Road, <i>New Delhi-1.</i>	"technical knowledge"	Do.
13.	Shri B. V. Baliga, Bharat Electronics (P) Ltd., Jalahalli P.O., <i>Bangalore.</i>	Do.	Do.
14.	Shri Y. S. Venkateswaran, Assistant Director, Indian Standards Institution, Manak Bhavan, 9, Mathura Road, <i>New Delhi-1.</i>	Do.	Do.
15.	Dr. W. R. Correa, National Carbon Company (India) Ltd., Ilaco House, 1 & 3, Brabourne Road, P. O. Box 2170, <i>Calcutta-1.</i>	"technical knowledge"	Member

Serial No.	Name and address of member	Interest represented	Chairman/Member
16.	Shri N. V. Shenoi, General Manager, Indian Telephone Industries Private Ltd., Duravanhagar, <i>Bangalore</i> , (India).	"technical knowledge"	Member
17.	Shri G. D. Joglekar, Assistant Director, National Physical Laboratory, Hill-side Road, <i>New Delhi-12</i> .	Do.	Do.
18.	Shri Y. A. Fazalbhoy, General Radio & Appliances Private Ltd., 8, New Queen's Road, <i>Bombay-4</i> .	"consumers"	Do.
19.	Shri S. S. Kumar, Member, Central Water & Power Commission, Bikaner House, <i>New Delhi</i> .	Do.	Do.
20.	Shri Duleep Singh, Deputy Technical Director, National Productivity Council, Golf Links, <i>New Delhi</i> .	"technical knowledge"	Do.
21.	Shri A. N. Mukherjee, Deputy Development Officer (Electri- Cal), Development Wing, <i>New Delhi</i> .	Do.	Do.

[No. 4(75) IA (II) (G)/58.]

New Delhi, the 5th May 1959

S.O. 1031—/IDRA/6/4.—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), read with rules 4 and 5 of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints the following persons to be members of the Development Council for the scheduled industry engaged in the manufacture of machine tools in place of the members whose term of office has expired by efflux of time or otherwise:—

Serial No.	Name and address of Member	Interest represented	Chairman/Member
1.	Shri V. Nimbkar, The Amerind, 15th Road, Khar, <i>Bombay-21</i> .	" technical knowledge"	Chairman
2.	Shri R. L. Kirloskar, General Manager, Mysore Kirloskar Ltd., <i>Harihar</i> .	" owners of industrial undertakings"	Member
3.	Shri M. K. Mathulla, Managing Director, Hindustan Machine Tools (Private) Ltd., Jalahalli P.O., <i>Bangalore</i> .	Do.	Do.
4.	Shri Bharat G. Doshi, Director, Cooper Engineering Ltd., Construction House, <i>Bombay</i> .	Do.	Do.
5.	Shri Gianchand, Amar Electrical and Mechanical Engineering Works, Milleganj, <i>Ludhiana</i> .	Do.	Do.
6.	Shri V. Ramakrishna, K.C.P. Ltd., <i>Madras</i>	Do.	Do.

Serial No.	Name and address of Member	Interest represented	Chairman/Member
7.	Shri J. V. Pandit, General Manager, Investa Machine Tools & Engg. Co. Ltd., Ewart House, Bruce Street, <i>Bombay</i> .	"technical knowledge" Member	
8.	Shri B. B. Gosh, 47, Southern Avenue, <i>Calcutta-29</i> .	Do.	Do.
9.	Shri J. P. Mehrotra, Deputy Director, Indian Standards Institution, Manak Bhavan, Mathura Road, <i>Delhi</i> .	Do.	Do.
10.	Shri D. S. Mulla, 47, New Marine Lines, <i>Bombay</i> .	Do.	Do.
11.	Mr. J. Hodkinson, Machine Tools (India) Private Ltd., Wilmet House, Russell Street, <i>Calcutta-16</i> .	Do.	Do.
12.	Shri M. S. Rajalingam, M.L.A., I-I-336/18, Shanti Niketan Housing Co-operative Society, Chikkadapally, <i>Hyderabad</i> .	"persons employed in industrial undertakings"	Do.
13.	Shri T. R. Gupta, Jay Engineering Works Ltd., Post Box 2153, <i>Calcutta</i> .	"consumers"	Do.
14.	Shri K. Mojumdar, Superintendent, Machine Tool Prototype Factory, <i>Ambernath</i> .	"technical knowledge"	Do.
15.	Shri C. D. Dandekar, Deputy Director of Inspection, Calcutta Inspection Circle, Directorate General of Supplies & Disposals, <i>Calcutta</i> .	Do.	Do.
16.	Shri H. M. Chatterjee, Joint Director, Railway Stores, Railway Board, <i>New Delhi</i> .	"consumers"	Do.
17.	Shri Duleep Singh, Deputy Technical Director, National Productivity Council, Golf Links, <i>New Delhi</i> .	"technical knowledge"	Do.
18.	Shri R. K. Gejji, Development Officer, Development Wing, Udyog Bhavan, <i>New Delhi</i> .	"technical knowledge" Member.	

[No. 4(72)IA(II)(G)/58.]

K. C. MADAPPA, Dy. Secy.

ORDERS

New Delhi, the 18th April 1959

S.O. 1032/IDRA/6/11.—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby appoints Shri P. K. Ghuweliwala, Messrs. Sirsilk Ltd., P.O. Sirpur, Kaghaznagar (Hyderabad), as a member of the Development Council established by the Order of the Government of India in the Ministry of Commerce and Industry No. S.R.O. 2821/IDRA/6/11, dated the 31st August, 1957, for the scheduled industries engaged in the manufacture and production of textiles made of artificial silk, including artificial silk yarn, and directs that the following amendment shall be made in the said Order, namely:—

In paragraph 1 of the said Order under the category of members "being persons who, in the opinion of the Central Government are capable of representing the interest of owners of industrial undertakings in the said scheduled industries" after entry No. 5B relating to Shri A. R. Ramanathan, the following entry shall be inserted, namely:—

"SC. P. K. Ghuweliwala, Messrs. Sirsilk Ltd., P.O. Sirpur, KAGHAZ-NAGAR (Hyderabad)."

[No. 4(63)IA(II)(G)/58.]

New Delhi, the 5th May 1959

S.O. 1033/IDRA/6/15/Am(5).—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby appoints Shri Y. N. Varma, Excise Commissioner, Uttar Pradesh, Allahabad, as a member of the Development Council established by the Order of the Government of India in the Ministry of Commerce and Industry S.O. No. 1904/IDRA/6/15, dated the 16th September, 1958, for the scheduled industries engaged in the manufacture or production of alcohol and other products of fermentation industries, and directs that the following amendment shall be made in the said Order, namely:—

In paragraph 1 of the said Order, under the category of members "being persons who, in the opinion of the Central Government, have special knowledge of matters relating to the technical or other aspects of the said scheduled industries after entry No. 9 relating to Dr. M. R. Mandekar, add the following namely:—

"9A. Shri Y. N. Varma, Excise Commissioner, Uttar Pradesh, Allahabad.

[No. 4(45)IA(II)(G)/58.]

S.O. 1034/IDRA/6/11.—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby appoints the Director of Handlooms, Madras, as a member of the Development Council established by the Order of the Government of India in the Ministry of Commerce and Industry No. S.R.O. 2021, dated the 31st August, 1957, for the scheduled industry engaged in the manufacture and production of textiles made of artificial silk, including artificial silk yarn and directs that the following amendment shall be made in the said Order, namely:—

In paragraph 1 of the said Order, under the category of members "being persons who, in the opinion of the Central Government, have special knowledge of matters relating to the technical or other aspects of the said scheduled industries" after entry No. 11B relating to Shri N. Majumdar, the following entry shall be inserted, namely:—

"11C. The Director of Handlooms, Madras."

[No. 4(16)IA(II)(G)/59.]

A. K. CHAKRAVARTI, Under Secy.

CORRIGENDUM

New Delhi, the 20th April 1959

S.O. 1035.—In the notification of the Government of India in the Ministry of Commerce and Industry No. S.O. 290 published on page 341 of the Gazette of India, Part II—Section 3, sub-section 2 dated the 7th February, 1959.

(i) Under the Heading: "Secondary units in relation to Metre".

For Kilometre— 10^{-3} Metre.

Read Kilometre— 10^3 Metre.

(ii) Under the Heading: "Secondary Units in relation to Kilogram".

For Quintal— 10^{-2} Kilograms.

Read Quintal— 10^2 Kilograms.

(iii) Under the Heading: "Secondary Units in relation to Litre".

For Kilo-litre— 10^{-3} Litres.

Read Kilo-litre— 10^3 Litres.

[No. SMC-15(13)/58.]

P. N. NAYER, Secy.
Standing Metric Committee.

(Indian Standards Institution)

New Delhi, the 27th April 1959

S.O. 1036.—In pursuance of sub-regulation (1) of regulation 8 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that two licences, particulars of which are given in the Schedule hereto annexed, have been granted authorizing the licensees to use the Standard Mark.

THE SCHEDULE

Sl. No.	Licence No. and Date	Period of Validity From	Period of Validity To	Name and Address of the Licensee	Article covered by the licence	Relevant Indian Standard
1	CM/L-121 14-4-1959	1-5-1959	30-4-1960	M/s. Hindustan Wire Products (P) Ltd., Patiala.	Enamelled High Conductivity Annealed Round Copper Wire (Oleo- Resinous Enamel)	IS: 449—1953 Specification for Enamell- ed High-Con- ductivity An- nealed Round Copper Wire (Oleo-Resinous Enamel)
2	CM/L-122 16-4-1959	1-5-1959	30-4-1960	The United Chemical & Metal Works Private Ltd., 7/109, Lal Bungalow, Swarup Nagar, Kanpur.	Drums for Paints.	IS: 442—1954 Specification for Drums for Paints.

[No. MDC/12(189).]

New Delhi, the 28th April 1959

S. O. 1037.—In pursuance of sub-regulation (1) of regulation 8 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that nine licences, particulars of which are given in the Schedule hereto annexed, have been renewed.

THE SCHEDULE

SL. No.	Licence No. and Date	Period of Validity		Name and Address of the Licensee	Article Covered by the Relevant Licence	Indian Standard
		From	To			
1	CM/L-78 24-4-1958	1-5-1959	30-4-1960	M/s. Crossley & Towers Private Ltd., 3, Robinson Street, Calcutta-16.	Tea-Chest Plywood Panels.	IS: 10-1953 Specification for Plywood Tea-Chests (Revised)
2	CM/L-79 24-4-1958	1-5-1959	30-4-1960	M/s. National Timber Industries, 3 & 4, Rashmoni Bazar Road, Calcutta-10.	Do.	Do.
3	CM/L-80 24-4-1958	1-5-1959	30-4-1960	M/s. Das & Company, 32, Chaulpatty Road, Calcutta-10.	Do.	Do.
4	CM/L-81 24-4-1958	1-5-1959	30-4-1960	M/s. National Plywood Industries, 6, Gorapada Sarkar Lane, Calcutta-4.	Do.	Do.
5	CM/L-82 24-4-1958	1-5-1959	30-4-1960	M/s. Dhubri Plywood Factory, Dhubri.	Do.	Do.
6	CM/L-83 24-4-1958	1-5-1959	30-4-1960	M/s. Bando Plywood Works, 226, Lower Circular Road, Calcutta-20.	Do.	Do.
7	CM/L-84 24-4-1958	1-5-1959	30-4-1960	M/s. National Saw & Plywood Works, Makum Road, Tinsukia (Assam).	Do.	Do.
8	CM/L-85 24-4-1958	1-5-1959	30-4-1960	M/s. Hindusthan Timber Industries, 41, Chaulpatty Road, Baliaghata, Calcutta-10.	Do.	Do.
9	CM/L-86 24-4-1958	1-5-1959	30-4-1960	M/s. Surma Match and Industries Private Ltd., 67B, Netaji Subhas Road, Calcutta-1.	Do.	Do.

[No. MDC/12(144)-L.]

S.O. 1038.—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the marking fee per unit for 14 mm Sparking Plugs, details of which are given in the Schedule hereto annexed, has been determined and the fee shall come into force with effect from 10th May 1959.

THE SCHEDULE

Sl. No.	Product/Class of Products	No. and title of relevant Indian Standard	Unit	Marking Fee per Unit
I	14 mm Sparking Plugs.	IS : 1063—1957 Speci- fication for 14 mm Sparkling Plugs.	One Plug.	One Anna Paisa with a minimum of Rs. 4,500 for the Production dur- ing a calendar year.

[No. MDC/11(6).]

S.O. 1039.—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955, the Indian Standards Institution hereby notifies that the Standard Mark, design of which together with the verbal description of the design and the title of the relevant Indian Standard is given in the Schedule hereto annexed, has been specified.

This Standard Mark, for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952 and the rules and regulations framed thereunder, shall come into force with effect from 10th May 1959.

THE SCHEDULE

Design of the Standard Mark (1)	No. and title of relevant Indian Standard (2)	Verbal description of the design of the Standard Mark (3)
	IS : 1063—1957 Specification for 14 mm Sparkling Plugs.	The monogram of the Indian Standards Institution, consisting of letters ISI, drawn in the exact style and relative proportions as indicated in column (1), the number designation of the Indian Standard being inscribed in the top side of the monogram as indicated in the design.

[No. MDC/11(5).]

New Delhi, the 30th April 1959

S. O. 1040.—In pursuance of sub-regulation (1) of regulation 8 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that one licence, particulars of which are given in the Schedule hereto annexed, has been renewed.

THE SCHEDULE

Sl. No.	Licence No. and Date	Period of Validity From To	Name and Address of the Licensee	Article Covered by the Licence	Relevant Indian Standard
I	CM/L-77 24-4-1958	1-5-1959 30-4-1960	M/s. Concrete Spun Pipe Works 92/2 Cooper Ganj, Kanpur.	Non-Pressure Concrete Pipes (with and without Reinforcement).	IS : 458-1956 Speci- fication for Con- crete Pipes (With and without Reinforcement).

[No. MDC/12(181)-L.]

C. N. MODAWAL,
Deputy Director (Marks).

MINISTRY OF STEEL, MINES & FUEL

(Department of Iron and Steel)

New Delhi, the 29th April 1959

S.O. 1041/ESS. COMM/IRON & STEEL/AM(4).—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following further amendment in the Iron and Steel (Control) Order, 1956, as in force in India and as applied to the said State, namely:—

In clause 4 in Part II of the said Order, for the words "or stockholder", the words "a stockholder or a person holding stocks of iron and steel" shall be substituted.

[No. F. SC(A)-1(24)/59.]

New Delhi, the 5th May 1959

S.O. 1042/ESS. COMM/IRON AND STEEL—2(c)/AM(42).—In exercise of the power conferred by sub-clause (c) of clause 2 of the Iron and Steel (Control) Order, 1956, the Central Government hereby directs that the following further amendment shall be made to the notification, of the Government of India, in the Ministry of Steel, Mines and Fuel, No. S.R.O. 2041/ESS. COMM/IRON AND STEEL-2(c), dated the 11th June, 1957, as amended from time to time namely :—

In the Schedule annexed to the said notification, in columns 2 and 3 thereof, against 'WEST BENGAL', for the existing entries, the following shall be substituted, namely :—

1	2	3
1. Director of Consumer Goods, West Bengal, Calcutta.	4, 5, 10, 11, 12(2), 18, 20, 22, 23, 24 (b), 24(c), 24(d) and 28 (for Iron & Steel and Scrap); 12(1) and 14(1), in so far as persons, other than 'Producers' (including Registered Producers) and 'Controlled Stockholders' are concerned ; and 24(a) and 26(1), in so far as a person or an authority having the management of 'Controlled Source', other than a 'Producer' (including Registered Producer) and/or a 'Railway Administration', is concerned.	
2. Deputy Director of Consumer Goods, West Bengal, Calcutta.	12(2), 18, 20, 24(b), 24(c) and 24(d).	
3. All Assistant Directors of Consumer Goods and all Sub-Divisional Officers and Officers authorised to work as such during the temporary absence of Sub-Divisional Officers, of the Govt. of West Bengal.	4, 5, 18, 20, 24(b), 24(c) and 24(d).	
4. Director of Industries, West Bengal	4, 5, 10, 11, 12(2), 24(b), 24(c) & 24(d)	
5. Deputy Director of Industries (Iron and Steel), West Bengal.	12(2), 24(b) and 24(c).	
6. All Assistant Directors of Industries (Iron and Steel), West Bengal.	4, 5, 24(b) and 24(c).	
7. Secretary, Industrial Rehabilitation Board, Calcutta.	4 and 5.	
8. Agricultural Engineer and Joint Director of Agriculture (Engineering) (Ex-Officio), West Bengal.	4, 5, 12(2), 18 and 20.	
9. Sub-Divisional Agricultural Officers appointed by the Government of West Bengal.	4, 5, 18 and 20.	

I	2	3
10.	Sub-Divisional Controllers of Food & Supplies appointed by the Government of West Bengal.	4, 5, 18 and 20.
11.	Special Officer, Consumer Goods, West Bengal, Calcutta.	4, 5, 18, 20, 24(b), 24(c) and 24(d).
12.	Resources Officer, Development (Roads) Department, Government of West Bengal.	4 and 5.
13.	Special Officer, Home (Anti-Corruption and Enforcement) Department, Government of West Bengal, Calcutta.	28 (for Iron & Steel and Scrap).
14.	Deputy Commissioner of Police and Special Superintendent of Police, Enforcement Branch, West Bengal, Calcutta.	28 (for Iron and Steel and Scrap). "

[No. SC(A)-1(13)/59.]

J. S. BAIJAL, Under Secy.

MINISTRY OF FOOD AND AGRICULTURE

(Department of Agriculture)

(Indian Council of Agricultural Research)

New Delhi, the 23rd April 1959

S.O. 1043.—In pursuance of the provisions of sub-section 4 (viii) of Section 4 of the Indian Lac Cess Act, 1930 (24 of 1930), the Government of India is pleased to nominate the Chairman, Shellac Export Promotion Council, Calcutta as a member of the Governing Body of the Indian Lac Cess Committee to represent the Ministry of Commerce and Industry vice the Director General of Commercial Intelligence and Statistics, Calcutta upto 31st May, 1960.

[No. 3-6/59-Com.I.]

AJUDHIA PRASADA, Under Secy.

MINISTRY OF HEALTH

New Delhi, the 24th April 1959

S.O. 1044.—In exercise of the powers conferred by the proviso to article 309 of the Constitution and in supersession of this Ministry's letter No. D. 1773-IH/55 dated the 15th March, 1956 in so far as it relates to promotions and transfers to ministerial and technical posts, the President hereby makes the following rules regulating the recruitment and conditions of service of persons appointed to Class III and Class IV posts in the Port and Airport Health Organisations in India, namely:—

1. **Title.**—These rules may be called the Port and Airport Health Organisations in India (Class III and Class IV posts) Recruitment Rules, 1959.

2. **Method of Recruitment.**—The method of recruitment, age-limits, scale of pay, period of probation and other conditions of service shall be as laid down in the Schedule annexed.

SCHEDULE TO THE RECRUITMENT RULES FOR APPOINTMENT/PROMOTION IN THE CENTRAL

Sl. No.	Name of the post	Its classification whether gazetted or non-gazetted and whether Ministerial or non-Ministerial	Scale of pay	Number of posts	Percentage of posts to be filled by		
					Direct recruitment	By selec- tion	Seniority-cum- fitness.
1	2	3	4	5	6	7	8
CLASS III							
1.	Assistant Medical Officer Seamen's Clinic, Calcutta.	Non-gazetted non-Ministerial	Rs. 100—8—140— 10—170—10— 300	1	100%	Not applic- able.	Not applicable.
2.	Port Sanitary Inspector.	Non-gazetted non-ministerial	150—7—185— 8—225	2	..	..	100% by promotion failing which by direct recruitment or by trans- fer.
3.	Senior Malaria Inspector.	Do.	185—8—225	2	..	..	Do.
4.	Fumigation Inspector	Do.	150—7—185—8 —225	1	..	..	Do.
5.	Fumigator	Do.	Do.	2	..	..	Do.
6.	Matron	Do.	Do.	1	..	..	Do.
7.	Malaria Inspector	Do.	100—5—125— 6—155—18—6 —185.	8	..	..	Do.
8.	Rat Inspector	Do.	Do.	2	..	..	Do.
9.	Sanitary Inspector	Do.	Do.	17	..	..	Do.
10.	Male Nurse	Do.	110—5—135	3	100%	Not applicable	Not applicable

PORT/AIRPORT HEALTH ORGANISATION IN INDIA

Transfer	Age limits	Educational and other qualifications required	Period of probation, if any	For promotion/transfer only					
				9	10	11	12	13	14
Not applicable	Below 35 years.	Licentiate or Degree in Medicine and Surgery, or an equivalent qualification included in the schedule to the Indian Medical Council Act, 1933.	One year	Not applicable	Not applicable	Not applicable.			
Transfers will be made in exceptional circumstances from amongst departmental employees who are educationally qualified.	25 years	(1) Matric or its Equivalent (2) Qualified Sanitary Inspector. (3) Qualified Malaria Inspector. (4) Experience of not less than 5 years as Sanitary Inspector.	Do.	Educational qualifications only will apply.	(1) Malaria Inspector. (2) Sanitary Inspector. (3) Rat Inspector.				
Do.	25 years	(1) Matric or its Equivalent (2) Qualified Sanitary Inspector. (3) Qualified Malaria Inspector. (4) Experience of not less than 5 years in Malaria work.	Do.	Do.	(i) Malaria Inspector. (ii) Sanitary Inspector (iii) Rat Inspector.				
Do.	25 years	(1) Matric or its equivalent (2) Qualified Sanitary Inspector. (3) Knowledge re internal structure of a sea going ship (desirable).	Do.	Do.	(i) Malaria Inspector (ii) Sanitary Inspector (iii) Rat Inspector.				
Do.	25 years	Do.	Do.	Do.	Do.				
Do.	25 years	(1) Matriculation or its equivalent. (2) Registered Nurse with 3 years experience as staff nurse. (3) Preferably should have been in-charge of a 15-20 bedded hospital.	Do.	Do.	Staff Nurse.				
Do.	25 years	(1) Matriculation or its equivalent. (2) Qualified Sanitary Inspector. (3) Training in Malariaology. (4) Experience in Field work.	Do.	Do.	(i) Rat Inspector. (ii) Sanitary Inspector (iii) Insect Collector				
Do.	25 years	(1) Matriculation or its equivalent. (2) Qualified Sanitary Inspector. (3) Experience in Field work..	Do.	Do.	(i) Malaria Inspector. (ii) Sanitary Inspector (iii) Insect Collector.				
Do.	25 years	(1) Matriculation or its equivalent. (2) Qualified Sanitary Inspector. (3) Experience in Field work.	Do.	Do.	Insect Collector.				
Not applicable	25 years	(1) Matriculation or its equivalent. (2) Qualified male nurse.	Do.	Not applicable.	Not applicable.				

1	2	3	4	5	6	7	8
CLASS III—contd.							
			Rs.				
11. Staff Nurse		Non-gazetted Non-Ministerial	100—5—I25 —6—I85	I	100%	Not appli- cable.	Not appli- cable
12. Post Health Nurse		Do.	Do.	I	100%	Do.	Do.
13. Head Clerk		Non-Gazetted Ministerial	(i) 160—10 —250 (ii) 200—10—250	I	..	..	100% by promotion falling which by direct recruitment or by transfer,
14. Upper Division Clerk		Do.	80—5—I20— EB—8—I20— 10/2—I20	8	..	..	Do.
15. Lower Division Clerk		Do.	60—3—I8—I8— 4—I25—5—I30	38	100%	Not appli- cable.	Not applicable.
16. Pharmacist-own-Store Clerk.		Non-Gazetted Non-Ministerial	60—3—I8—I8— 4—I25—5—I30	2	100%	Do.	Do.
17. Clerk-cum-Laboratory Assistant		Do.	60—3—I8—I8— 4—I25—5—I30.	I	100%	Do.	Do.
18. Engine Driver		Do.	90—5—I20	2	..	..	100% by pro- motion falling which by direct recruitment or by transfer.
19. Engine Driver		Non-Gazetted Non-Ministerial	75—3—I05	2	..	..	100% by pro- motion falling which by direct recruitment or by trans- fer.
20. Engine Driver		Do.	60—I/I—I75	3	..	..	Do.
21. Serang or Tindal	Bombay & Calcutta.	Do.	(i) Do. (ii) 55—I3—I70	4	100%	Not appli- cable.	Not applicable.
22. Laboratory Assistant (attached Haffkine Instt. Bombay).		Do.	60—I/2—I75—I3—I05	I	100%	Do.	Do.
23. Mech. Motor Driver.		Do.	Do.	2	..	..	100% by promo- tion falling which by direct re- cruitment or by transfer.

	9	10	11	12	13	14
Not applicable	25 years	(1) Registered both as Nurse and as Midwife. (2) 3 to 3 years experience of hospital duties.	One year	Not applicable	Not applicable	
Do.	25 years	(i) Diploma in midwifery and Nursing.	Do.	Do.	Do.	Do.
Transfers will be 25 years made in exceptional circumstances from amongst departmental employees who are educationally qualified.	25 years	(1) Graduate (2) Knowledge of accounts (3) Office and administrative experience. (4) Typing speed of 30 words per minute.	Do.	Will not apply in Promotions to the cases of permanent/ posts of Head Clerks, quasi permanent and U.D. Clerks employees eligible are restricted from grade of U.D. Clerks and L.D. Clerks, respectively.		
Do.	25 years	(1) Graduate (2) Typing speed of 30 words per minute.	Do.	Do.	Do.	Do.
Not applicable	25 years	(1) Matriculation or its equivalent. (2) Speed of 30 words per minute in typewriting.	Do.	Not applicable.	Not applicable.	
Do.	25 years	(1) Matriculation or its equivalent. (2) Some professional test prescribed or recognised by Government entitling registration under sub-section (A) of section 3 of the Pharmacy Act, 1948.	Do.	Do.	Do.	Do.
Do.	25 years	(1) Matriculation or its equivalent. (2) Training in Laboratory work.	Do.	Do.	Do.	Do.
Transfers will be 25 years made in exceptional circumstances from amongst departmental employees who are educationally qualified.	25 years	(1) A certificate of competency of II class Engine Driver of an Inland Motor vessels, from the Principal Officer, Mercantile Marine Department. (2) Experience of three years in the line.	Do.	Will not apply in cases of permanent/quasi permanent employees eligible for promotion.	Engine Drivers who are in lower scale of pay.	
Transfers will be 25 years made in exceptional circumstances from amongst departmental employees who are educationally qualified.	25 years	(1) Certificate of competency to drive a Motor Launch below 40 h.p. from the Mercantile Marine Department. (2) Literate. (3) Experience of 3 years in the line.	One year	Will not apply in case of permanent/quasi permanent employees eligible for promotion.	Engine drivers in low scale of pay.	
Do.	25 years	(1) Same as under item 19 or a certificate of competency as 1st class Engine Driver of an inland steam vessel. (2) Experience in job of 3 years.	Do.	Do.	Do.	Do.
Not applicable.	25 years	(1) Certificate of competency as steersman of an inland steam vessel or any other inland vessel. (2) Experience of 3 years in the line.	Do.	Not applicable	Not applicable.	
Do.	25 years	(1) Matriculation or its equivalent. (2) Training in Laboratory work. (3) Experience of 3 years in job.	Do.	Do.	Do.	Do.
Transfers will be 25 years made from amongst departmental employees in exceptional circumstances.	25 years	(1) Licensed Driver with knowledge of mechanics. (2) Experience of 3 years in job.	Do.	Do.	Motor Driver.	

I	2	3	4	5	6	7	8
CLASS III—concl.							
			Rs.				
24.	Motor Driver	Non-Gazetted Non-ministerial	60—5½—75	3	100%	Not applicable	Not applicable
25.	Insect Collector	Do.	Do.	22	100%	Do.	Do.
26.	Compounder	Do.	60—3—81—E.B. —4—125—5—130.	2	100%	Do.	Do.
CLASS IV							
1.	Engine Driver	Non-Gazetted.	40—2—60	9	..	..	100% by promotion failing which by direct recruitment or by transfer.
2.	Launch Driver	Do.	Do.	2	100%	Not applicable	Not applicable
3.	Tindal (Madras)	Do.	35—I—50	1	100%	Do.	Do.
4.	Laboratory Assistant (Seamen's Medl. Examination Or- ganisation Bombay and Calcutta.)	Do.	40—2—60	1	100%	Do.	Do.
5.	Dresser	Do.	40—I—50—2— 60.	2	100%	Do.	Do.
6.	Fireman	Do.	35—I—50	2	100%	Do.	Do.
7.	Naik	Do.	Do.	2	..	..	100% by promotion failing which by direct recruitment or by transfer.
8.	Jamadar	Do.	Do.	1	..	..	Do.
9.	Crew such as greaser, Trimmer, Lascars, Bhundari, Sea- cunney, Fire- man, Kassub, etc.	Do.	20—I—35	17	100%	Not applicable	Not applicable
10.	Rat Catcher	Do.	Do.	16	100%	Do.	Do.
11.	Searcher	Do.	Do.	5	100%	Do.	Do.
12.	Field worker	Do.	Do.	113	100%	Do.	Do.
13.	Ward Boy	Do.	Do.	5	100%	Do.	Do.
14.	Mall	Do.	Do.	3	100%	Do.	Do.
15.	Lab. attendant	Do.	Do.	4	100%	Do.	Do.
16.	Peons	Do.	Do.	39	100%	Do.	Do.
17.	Watchmen	Do.	Do.	5	100%	Do.	Do.

	9	10	11	12	13	14
Not applicable.	25 years	(1) Licensed Motor Driver. (2) Experience of 3 years in job.	One year	Not applicable	Not applicable.	
Do.	25 years	(1) Matric Passed (2) Aptitude for field work.	Do.	Do.	Do.	
Do.	25 years	(1) Matriculation or its equivalent. (2) Some professional test prescribed or recognised by Government entitling registration under sub-section (c) of Section 31 of the Pharmacy Act, 1948.	Do.	Do.	Do.	
Transfer will be made in exceptional circumstances from amongst departmental employees who are educationally qualified.	25 years	(1) Literate. (2) Certificate of competency of boiler attendance or (3) Training and experience in the repairs and maintenance of steam (non-pressure) plants for not less than 3 years.	Do.	Educational qualifications will only apply.	From other Class IV staff.	
Not applicable.	25 years	(1) Literate (2) Certificate of competency issued by Government	Do.	Not applicable.	Not applicable.	
Do.	25 years	(1) Government certificate issued by the Shipping Master.	Do.	Do.	Do.	
Do.	25 years	(1) Middle School passed. (2) Training in Laboratory work.	Do.	Do.	Do.	
Do.	25 years	(1) Literate. (2) Two years experience as Dresser.	Do.	Do.	Do.	
Do.	25 years	(1) Literate. . . .	Do.	Do.	Do.	
Transfer will be made in exceptional circumstances from amongst departmental employees who are educationally qualified.	25 years	(1) Middle School passed (2) Knowledge of Hindi (desirable)	Do.	Will not apply in the case of permanent-quasi permanent employees eligible for promotion.	Peon.	
Do.	25 years	Do.	Do.	Do.	Peon.	
Not applicable.	25 years	(1) Literate. (2) Some experience in the job to which they are appointed.	Do.	Not applicable.	Not applicable.	
Do.	25 years	Do.	Do.	Do.	Do.	
Do.	25 years	Do.	Do.	Do.	Do.	
Do.	25 years	Do.	Do.	Do.	Do.	
Do.	25 years	Do.	Do.	Do.	Do.	
Do.	25 years	Do.	Do.	Do.	Do.	
Do.	25 years	(1) Middle School passed (2) Knowledge of Hindi (desirable)	Do.	Do.	Do.	
Do.	25 years	Literate.	Do.	Do.	Do.	

1	2	3	4	5	6	7	8
18.	Sweeper . . .	Non-Gazetted.	30—4—35	17	100%	Not applic- able	Not applicable
19.	Vaccinator . . .	Do.	40—2—60	1	100%	Do.	Do.

NOTE 1.—Age limits prescribed for direct recruitment will be relaxable in the case of Scheduled Castes/Tribes to time by the Government of India.

NOTE 2.—These rules supersede the orders contained in the Ministry of Health letter No. D.1773-IIH/55 dated

One common seniority list shall be maintained separately in respect of different groups of technical

NOTE 3.—Transfers from one Port/Airport Health Organisation to another Port/Airport Health Organisation

NOTE 4.—Promotions of Class IV employees to Class III will be governed by General Rules issued by the Govern-

9	10	11	12	13	14
Not applicable	25 years	Literate (Desirable) ,	one year	Not applicable	Not applicable
Do.	25 years	should have passed vaccinators examination,	Do.	Do.	Do.

Displaced Persons and other special categories in accordance with the general orders issued from time the 15th March 1956 in so far as promotions and transfers to ministerial and technical posts are concerned and ministerial staff for purposes of promotion will be made in the interest of work or on promotion. ment of India from time to time.

[No. F. 17-8/58-IH.]
D. J. BALARAJ, Dy. Secy.

MINISTRY OF TRANSPORT AND COMMUNICATIONS

(Department of Transport)

(Transport Wing)

PORTS

New Delhi, the 30th April 1959

S.O. 1045.—In pursuance of sub-section (2) of section 9 of the Madras Port Trust Act, 1905 (Madras Act II of 1905) it is hereby notified that, in accordance with the provisions of section 13 of the said Act, Shri A. R. Liddiard of Messrs. Gordon Woodroffe & Co. (Madras) Private Ltd., has been elected by the Madras Chamber of Commerce to be a Trustee of the Port of Madras with effect from the 17th April, 1959, vice Shri J. R. Galloway resigned.

[No. 19-PG(19)/69.]

Miss I. INDIRA, Under Secy.

(Department of Transport)

(Transport Wing)

New Delhi, the 4th May 1959

S.O. 1046.—The following draft of certain rules which the Central Government proposes to make in exercise of the powers conferred by section 63C of the Motor Vehicles Act, 1939, is published, as required by sub-section (1) of Section 133 of the said Act, for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 25th May, 1959.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

DRAFT RULES

1. Short title and commencement.—(1) These rules may be called the Inter-State Transport Commission Rules, 1959.

(2) They shall come into force at once.

2. Definitions.—(1) In these rules, unless the context otherwise requires,—

(a) "Act" means the Motor Vehicles Act, 1939 (4 of 1939);

(b) "Chairman" means the Chairman of the Commission;

(c) "member" means a member of the Commission;

(d) "Presiding Officer" means the Chairman or any other member presiding over a meeting of the Commission;

(e) "section" means a section of the Act.

(2) Words and expressions used but not defined in these rules and defined in the Motor Vehicles Act, 1939 (4 of 1939), have the meanings respectively assigned to them in that Act.

3. Term of office of members.—(1) The term of office of a non-official member shall be three years commencing from the date of his appointment.

(2) On the expiration of his term of office, a non-official member shall be eligible for re-appointment.

(3) The Chairman and the official members shall hold office during the pleasure of the Central Government.

4. Removal of members from office.—The Central Government may, by notification in the Official Gazette, remove any member from office if he—

(a) has directly or indirectly any financial interest or holds any office in any road transport undertaking or in an association or union of road transport operators;

(b) has in the opinion of the Central Government, failed or is unable to carry on his duties so as to render his removal necessary; or

(c) has, without sufficient excuse, absented himself without the leave of the Commission from more than four consecutive meetings of the Commission.

5. Resignation of office.—A member may resign his office by giving notice in writing to the Central Government and shall be deemed to have vacated his office

on the date on which the acceptance of his resignation is communicated to him by the Central Government or on the expiry of thirty days from the date of receipt of intimation of a resignation, whichever is earlier.

6. Payments to be made to the members for attendance at meetings of, or for performance of other duties assigned by, the Commission.—(1) A non-official member shall be entitled to receive a fee of 40 rupees for every meeting of the Commission which he attends, irrespective of the number of days the meeting lasts.

(2) If such member performs any journey to a place other than his usual place of residence or business for attending a meeting of the Commission or in connection with the performance of any duty assigned to him by the Commission, he shall be entitled to travelling allowance and daily allowance according to the provisions of the Ministry of Finance O.M. No. 10(2)-Est II/51, dated the 12th April, 1951, as amended from time to time.

7. Temporary absence of any member.—If any member is by infirmity or otherwise rendered temporarily incapable of carrying out his duties or is absent on leave or otherwise in circumstances not involving the vacation of his office, the Central Government may appoint another person to act in his place.

8. Meetings of the Commission.—The Commission shall meet at such times and at such places as the Chairman may from time to time appoint in this behalf;

Provided that the Commission shall meet at least once in two months.

9. Notice of the meetings.—A notice of each meeting shall be sent to every member at least 7 days before the date fixed for the meeting and it shall specify the place, the date and the hour of the meeting:

Provided that the Chairman may convene a meeting at a shorter notice for the purpose of disposing of any urgent business.

10. Agenda of meetings.—(1) A copy of the agenda with explanatory notes shall ordinarily be circulated to the members alongwith the notice of the meeting. No business not on the agenda shall ordinarily be transacted at any meeting.

(2) Notwithstanding anything contained in sub-rule (1) the Chairman may place or permit any member to place for the consideration of the Commission any matter not included in the agenda of a meeting.

(3) Any member who desires that a certain matter should be discussed by the Commission shall communicate that matter in writing along with a detailed memorandum to the Chairman and that matter shall ordinarily be included in the agenda for such next meeting as may be due next after 15 days from the date of its receipt, unless the Chairman orders otherwise.

11. Quorum.—The number of members including the Chairman to constitute a quorum shall be two. If, within half an hour from the time appointed for the meeting, the quorum is not present, the meeting shall be adjourned. If at the adjourned meeting, the quorum is not present within half an hour from the time appointed for that meeting, the member present shall proceed to transact the business before the Commission notwithstanding the absence of a quorum.

12. Presiding Officer.—The meetings shall be presided over by the Chairman or, in his absence, by any member designated by the Chairman to preside, or if no member has been so designated, by any member chosen by the members present from among themselves.

13. Decisions.—All questions at a meeting shall be decided by a majority of votes of the members present and voting, and in the case of an equality of votes, the Presiding Officer shall have a second or casting vote.

14. Adjournment.—(1) The Presiding Officer may adjourn any meeting until such date or time as he may specify, and at the adjourned meeting, only the business left unfinished at the meeting in which the adjournment was made shall be transacted.

(2) Notwithstanding anything contained in sub-rule (1), the Presiding Officer may permit the transaction of any other business.

15. Other points of procedure.—If any other point arises in regard to the procedure to be followed at a meeting, it shall be decided by the Chairman or, in his absence, the Presiding Officer.

16. Minutes.—The minutes of the proceedings of every meeting shall be circulated to the members as soon as possible after the meeting. The minutes shall be taken as correct and shall be signed by the Presiding Officer at the succeeding meeting unless any member who was present at the meeting to which the minutes relate, has objected to the minutes as having been incorrectly or incompletely recorded and communicated his objection in writing to the Chairman within 7 days of the receipt of the minutes by him. Any objection received shall be put up at the next succeeding meeting before the Presiding Officer who, after taking the sense of the meeting, may make such amendments in the minutes as he thinks proper, and the amended minutes shall then be confirmed and signed by the Presiding Officer.

17. Appointment of Sub-Committee.—(1) The Commission may appoint a Sub-Committee or Sub-Committees, each consisting of one or more of its members to consider any matter referred to it.

(2) The Commission may also associate with such Sub-Committee any person whose assistance or advice it may desire in carrying out any of its functions. Any person so associated for any purpose shall have a right to take part in the discussions of the Sub-Committee relevant to that purpose, but shall not have a right to vote at a meeting of the Sub-Committee and shall not be a member thereof for any other purpose.

(3) The Sub-Committee's report shall be submitted to the Commission who may accept its recommendation or take any other decision thereon.

18. Procedure of Circulation.—When it is necessary to obtain the decision of the Commission on some matter and it is unnecessary or not possible or it is otherwise not considered feasible to convene a meeting of the Commission, the Chairman may circulate to each member full particulars of the proposal, inviting the member's views thereon by a specified date. The Chairman shall record the decision according to the views which may be received upto the specified date, of the majority of members including himself and, if necessary, by using his casting vote.

19. Minutes Book—The minutes of the proceedings of each meeting, as confirmed and signed by the Presiding Officer, and the decision recorded by the Chairman on the proposals which are decided by the procedure of circulation, shall be kept in chronological order in a Minutes Book.

20. Returns and Reports to be furnished by the Commission.—(1) The Commission shall furnish to the Central Government such returns, statistics and other information with respect to its working or any scheme proposed by it as the Central Government may from time to time require.

(2) Without prejudice to the provisions of sub-rule (1), the Commission shall, as soon as possible after the end of each financial year, submit to the Central Government a report on its activities during that year.

21 Powers and functions of the Commission.—The following powers and functions may also be exercised and discharged by the Commission, namely:—

- (i) classification of routes and regions as inter-State routes and inter-State areas for the purpose of developing road motor transport;
- (ii) survey of the requirements of any inter-State region for road motor transport;
- (iii) examining how best the additional requirements of such region can be met;
- (iv) preparing detailed schemes for provision or improvement of motor transport facilities in specific inter-State regions and advising the Central Government and the State Governments regarding the manner of implementation of such schemes;
- (v) division of traffic in Inter-State regions among the States concerned;
- (vi) specifying the conditions which may be attached to a permit in respect of an inter-State region, subject to the provisions of Chapter IV of the Act;
- (vii) specifying the nature and type of goods that may be carried and the vehicles that may be used in any inter-State region;

- (viii) fixing the maximum and minimum fares for the carriage of passengers in an inter-State region;
- (ix) fixing the maximum and minimum freight rates for the various kinds of goods to be carried in an inter-State region, and laying down the conditions for the carriage of such goods;
- (x) requiring the holders of inter-State permits and State Governments to furnish such periodical returns, statistics and other information as the Commission may, from time to time, desire;
- (xi) advising the State Governments in the matter of—
 - (a) taxation of motor vehicles,
 - (b) load restrictions, and
 - (c) rationalisation of goods transport services in inter-State regions;
- (xii) assisting in the conclusion of reciprocal arrangements amongst State Governments for the smooth and efficient operation of inter-State motor transport services;
- (xiii) devising ways and means of extending road transport to inter-State regions where there is scope for its extension without creating uneconomic competition with other means of transport already available or likely to become available there;
- (xiv) co-ordinating the operation of transport vehicles with other means of transport in inter-state regions so as to ensure that—
 - (a) there is no uneconomic competition between the motor transport operators ~~inter se~~ and between motor transport and other forms of transport, and
 - (b) there is no duplication or waste of transport capacity;
- (xv) regulating the timings of the passenger bus services in inter-State regions so as best to serve the convenience of passengers;
- (xvi) advising the Central Government from time to time in regard to such measures as may be necessary for an integrated and co-ordinated development of inland transport resources of the country and their optimum utilisation;
- (xvii) visiting such places as it may consider necessary for the discharge of its functions;
- (xviii) convening meetings of the representatives of State Governments, motor transport operators, and other interests concerned;
- (xix) sending out its officers to inter-State regions to check whether the directions issued by the Commission are being implemented, or to carry out a census of traffic;
- (xx) recommending to State Governments the enforcement of such traffic and safety measures in inter-State regions as the Commission may deem necessary;
- (xxi) doing all other things to facilitate the proper carrying on of the functions of the Commission.

22. Purposes for which representatives of State Governments may be associated with the Commission.—The Commission shall associate with itself representative each of the State Governments interested for the purpose of assisting the Commission in the performance of its functions specified in clauses (a), (b) and (c) of sub-section (2) of section 63A and clauses (i) to (ix) and (xiii) to (xviii) of rule 21.

MINISTRY OF IRRIGATION AND POWER

New Delhi, the 4th May 1959

S.O. 1047.—In exercise of the powers conferred by the proviso to sub-rule (1) of Rule 45 of the Indian Electricity Rules, 1956, the Central Government hereby exempts all works executed by the Pondicherry Electricity Department for or on behalf of the Central Government from so much of that sub-rule as requires such works to be carried out by an electrical contractor licensed by the Pondicherry Administration.

[No. EL-III-3(6)/59.]

N. S. VASANT,
Officer on Special Duty.

MINISTRY OF WORKS, HOUSING AND SUPPLY

New Delhi, the 4th May 1959

S.O. 1048.—In exercise of the powers conferred by Supplementary Rule 317-B-1(2) of the Supplementary Rules framed in pursuance of rule 45 of the Fundamental Rules, the President is pleased to direct that with effect from the 27th February, 1959 the residences mentioned in the list appended below shall be placed in the classes shown against them.

Provided that—

- (i) an officer duly allotted and occupying any of the residences shown in the said list and who is entitled to it as upgraded by virtue of his emoluments shall be allowed to retain it; and
- (ii) an officer occupying any of the residences shown in the said list to which he is not now entitled may retain the accommodation upto the 31st March, 1960, but if on or before the said date the said officer becomes entitled to the said residence by virtue of his emoluments, he may retain it even after the expiry of the said date.

2. In exercise of the powers conferred by Supplementary Rule 317-B-27 of the Supplementary Rules framed in pursuance of rule 45 of the Fundamental Rules, the President, in relation of the provisions of Supplementary Rule 317-B-9, further directs that an officer occupying any of the residences shown in the said list and who is entitled to it as upgraded by virtue of his emoluments may indicate his preference for a change of allotment within one month of the date of issue of this notification.

List

Serial No.	Name of the residence	Class to which upgraded
I	3 to 7, 9, 11, 12, 14, 15, 16, 18 to 21 and 25 Ashok Road 15, Gurdwara Road. 2 and 4, Jantar Mantar Road. 1, 2, 6 and 10, Kushak Road. 1, 3 to 5, 7 and 9, Old Mill Road. 15, Queen Mary's Avenue. 5, 7, 9, and 10 Raisina Road. 4, 8, 9 and 11, Roberts Road. 2, Safdarjang Lane. 5, York Place. 1, 1-B and 3-B, King Edward Road.	A*
II	20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, and 42, Canning Lane. 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, and 23 Curzon Lane 1, 3 and 4, Kotla Lane. 208 and 217, Rouse Avenue. 1 to 19, Roberts Lane. 17 to 24, Willingdon Crescent. 4, York Place.	B*

Serial No.	Name of the residence	Class to which upgraded
III	7, Allenby Road. 2, 9, 11, 13, 19, 21, 23, and 27, Gurdwara Road. 10 to 13, 18 to 21, 26 to 29, 34 to 37, 47 to 52, 65 to 74, 83 to 100, Lodi Road. 2, 4, 6, 8, 10, 13, 14, 16, 18 and 20 Lytton Lane. 2, 7 to 14, Queen Mary's Avenue. 9, Electric Lane. 11, Ferozeshah Road. 11, 13, 14 and 16, Talkatora Road. 20, Queen Victoria Road. 11, Janpath. 28, Akbar Road. 2-A, York Road. 10-A, K.G. Avenue. 10-B, K.G. Avenue. 1-A, Sonehri Bagh Road. 7-A and 8-A, Janpath.	'CI'
IV	30, 32, 34, 36, 38, 40, 42, 44, 66 and 68, Ashok Road. 1 to 44, Irwin Road. (B Unorthodox) 9, 11, 16, 17 to 20, 22, 24, and 26, Mahadev Road. 47 to 103 (Odd Numbers), Circular Road. 1 to 4, Mata Sundri Road. 26, 28, 30, Atul Grove ('A' Orthodox). 32 to 37, 41 to 48, 51 to 54, Reading Road ('A' Orthodox). 4 and 6, Telegraph Lane. 38, 40, 42, and 44, Kotla Road. 194 to 205, 207, 209, 211 and 213, Rouse Avenue. 7B and 8B, Janpath. 3, York Road.	'CII'
V	26, 28, 46, 48, 50, 52, 54, 56, 58, 60, 62 and 64, Ashok Road. 1, 3 to 8, 10, 12 to 15, 21, 23, 25, 27, 28, 30, 32, and 34 Mahadev Road 1 to 14, Market Road. 5 to 28, 30, 32, 37, 39, 41, 43, 45 and 47, Mata Sundri Road. 1 to 18, Park Lane. 3 and 5, Queen Mary's Avenue. 1 to 4, Talkatora Park. Orthodox 'B' type quarters in Maharaja Ranjit Singh Road, Press Road, Telegraph Lane, Hahuman Road, Havelock Square, Lady Hardinge Road, Raja Bazar Road, Raja Bazar Lane, Reading Road and Rouse Lane (135)	'DII'
VI	Unorthodox 'D' type quarters in Barakhamba Lane, Mata Sundri Road, Mirdard Road, Mirdard Lane, Mata Sundri Lane, Kotla Road, School Lane, Connaught Lane, Fire Brigade Lane, Rouse Avenue, Temple Lane and Karol Bagh (211) Orthodox 'C' type quarters in Maharaja Ranjit Singh Road, Mirdard Road, Turkman Road, Irwin Road, Baird Road, Havelock Square and Reading Road (269). 26, Akbar Road (Pre-fabricated House).	'DII'
VII	Orthodox 'D' type quarters in D.I.Z. and Minto Road Area (1256)	'E'

[No. 5/2/56-ACC.]

B. D. KUMAR, Dy. Secy.

MINISTRY OF REHABILITATION
(Office of the Chief Settlement Commissioner)

New Delhi, the 28th April 1959

S.O. 1049.—In exercise of the powers conferred by Sub-section (i) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints Shri Trilok Nath Bhalla as Assistant

Settlement Officer for the purpose of performing the functions assigned to such officers by or under the said Act with effect from the date he took charge of his office.

[No. 8/74/56-Admn.(Reg.)]

New Delhi, the 30th April 1959

S.O. 1050.—In exercise of the powers conferred by sub-section (1) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints Shri Chainrai Shewakram, Settlement Commissioner for the purpose of performing the functions assigned to such Commissioners by or under the said Act with effect from the date he took charge of his office.

[No. 5/22/Admn(R)/CSC/59.]

S.O. 1051.—In exercise of the powers conferred by sub-section (1) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints Shri V. P. Singhal as Additional Settlement Commissioner, U.P. & Regional Settlement Commissioner, Bihar for the purpose of performing the functions assigned to such Commissioners by or under the said Act with effect from the date he took charge of his office.

[No. 5/42/Admn(R)/CSC/58.]

RAJA LAL GUPTA, Under Secy.

MINISTRY OF LABOUR & EMPLOYMENT

New Delhi, the 30th April 1959

S.O. 1052.—In exercise of the powers conferred by sub-section (1) of section 5 of the Mines Act, 1952 (35 of 1952), the Central Government hereby appoints Dr. K. Bhaskaran, an Officer of the Department of Mines, to be an Inspector of Mines subordinate to the Chief Inspector.

[No. M-I 8(61) 58.]

P. N. SHARMA, Under Secy.

New Delhi, the 30th April 1959

S.O. 1053.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Upper Kajora colliery and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD.
REFERENCE NO. 7 OF 1959

PARTIES: Employers in relation to the Upper Kajora Colliery

AND

Their workmen.

Dhanbad, dated the 23rd April, 1959

PRESENT: Shri Salim M. Merchant, B.A., LL.B., Chairman,
Central Government Industrial Tribunal, Dhanbad.

APPEARANCE: Shri Jayanta Kumar Poddar,

Organising Secretary,

Colliery Mazdoor Congress with

Shri Chandradeo Singh—for the workmen.

Shri S. K. Lohia, Agent with

Shri N. G. Das, Manager—for the employers.

Industry—Coal.

State—West Bengal.

AWARD

The Government of India, Ministry of Labour & Employment, by its Order No. LRIL/2(99)/58 dated the 17th January, 1959, made in exercise of the powers conferred by clause (d) of Sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Act XIV of 1947), was pleased to refer to me for adjudication, the industrial dispute between the parties above-named in respect of the subject matters specified in the following schedule to the said order:-

SCHEDULE

Whether the dismissal of Shri Chandradeo Singh, Depot Guard, was justified and if not, to what relief is he entitled?

2. Upon issue of the usual notices, the Colliery Mazdoor Congress filed its statement of claim on 18th February 1959, to which the management filed its written statement, in reply, on 27th February 1959 and at the adjourned hearing of the dispute on 23rd April 1959, after submissions of the parties were heard, they filed a joint application recording the terms of settlement reached between them and have prayed that an award be made in terms thereof. A copy of the said application is annexed hereto and marked 'Annexure A'.

3. As I am satisfied that the terms of the settlement are fair and reasonable, I make an award in terms of Annexure A, which shall form part of the Award.

4. No order as to costs.

(Sd.) SALIM M. MERCHANT, Chairman.

Dated the 23rd April, 1959.

ANNEXURE A

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL, DHANBAD

REFERENCE No. 7 OF 1959

In the matter of Employers in relation to the Upper Kajora Colliery.

AND

Their workmen represented by Colliery Majdoor Congress.

Both the employer and the Union have reached the following settlements in the above reference.

(1) That the workman Chandradeo Singh will not be reinstated in service.

(2) That his dismissal from service will be considered as retrenched from service and he will be paid Rupees 1600/- (sixteen hundred) only in full satisfaction of his claim for re-instatement, within one month from the date.

(3) That if there is any due of the said workman remaining on paid by way of his unpaid wages and bonus etc. for the period he worked, he will be paid the same.

Both the parties therefore pray that the reference may be disposed off and award may be given according to the above terms.

For Employer.

For the Workman.

(Sd.) ILLEGIBLE.

Dhanbad, dated the 23rd April, 1959.

JAYANTA K. PODDAR, Organising Secy.,
Colliery Mazdoor Congress.

CHANDRA DEO SINGH.

Taken on file.

(Sd.) SALIM M. MERCHANT, Chairman.
Central Government Industrial Tribunal,
Dhanbad.

[No. LRIL-2(99)58.]

S.O. 1054.--In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the New Huntodih Colliery and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
DHANBAD

REFERENCE NO. 67 OF 1958

Employers in relation to New Huntodih Colliery, P.O. Mohuda, District Dhanbad.

AND

Their Workmen.

Dhanbad, dated 23rd April, 1959.

PRESENT:

Shri Salim M. Merchant, Chairman, Central Government Industrial Tribunal, Dhanbad.

APPEARANCES:

Shri S. S. Mukherjea, B.Sc., LL.B., Advocate with Dr. R. N. Singh, Manager, New Huntodih Colliery—for the Employers.

Shri B. N. Sharma, Member, Executive Committee and Shri Ayodhya Prasad Gupta, Organising Secretary, Colliery Mazdoor Sangh—for the workmen.

Industry: Coal.

State: Bihar.

AWARD

The Government of India, Ministry of Labour and Employment by its Order No. LR.II-2(163)58, dated 5th December, 1958, made in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) was pleased to refer to me for adjudication the industrial dispute between the parties above named, in respect of the matters specified in the following schedule to the said Order:—

SCHEDULE

Whether the transfer to Calcutta of Shri J. P. Singh, Despatch Clerk, New Huntodih Colliery, by order dated the 8th September, 1958, is justified.

After the parties had filed their respective written statements, the dispute was taken up for hearing on the 23rd April, 1959, when parties filed a joint application recording that the order of transfer dated 8th September, 1958, on Shri J. P. Singh has not been given effect to and is being withdrawn and the dispute which has given rise to the present reference no longer subsists and praying that the dispute be disposed of accordingly. A copy of the said application of the parties is attached hereto and marked annexure A.

Since the dispute no longer survives, the reference is disposed of accordingly.

No order as to costs.

(Sd.) SALIM M. MERCHANT,
Chairman,
Central Government's Industrial Tribunal,
Dhanbad.

The 23rd April, 1959.

ANNEXURE A

BEFORE THE CHAIRMAN, CENTRAL GOVERNMENT'S INDUSTRIAL
TRIBUNAL, DHANBAD

REFERENCE NO. 67 OF 1958

Employers in relation to New Huntodih Colliery, P.O. Mohuda, District Dhanbad.

AND

Their Workmen.

The Parties above-named beg to state as follows:—

- That as the order of transfer of 8th September, 1958 has not been given effect to and is being withdrawn therefore the dispute which gave rise to the present reference no longer subsists.

That it is, therefore, prayed the reference may be disposed of and an award passed in terms thereof.

For workmen

B. N. SHARMA.
A. P. GUPTA.

Taken on file.

For Employers

Dr. R. N. SINGH, Manager.
S. S. MUKHERJEE, Advocate.

(Sd.) SALIM M. MERCHANT,

Chairman,

Central Government's Industrial Tribunal,
Dhanbad.

The 23rd April, 1959.

[No LRII/2(163)58.]

S.O. 1055.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Barora Colliery and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
DHANBAD

REFERENCE No. 15 of 1959

Employers in relation to the Barora Colliery

AND

Their Workmen.

PRESENT:

Shri Salim M. Merchant, Presiding Officer, Central Government Industrial Tribunal, Dhanbad.

APPEARANCES:

Shri Lalit Burman, General Secretary, Bihar Koyal Mazdoor Sabha—for the workmen.

Shri Mohindra Pratap Narang, Agent, Barora Colliery—for the Employers.

Dhanbad, dated 22nd April, 1959

Industry: Coal.

State: Bihar.

AWARD

The Government of India Ministry of Labour and Employment by Order No. LR.II-2(169)58, dated 27th February, 1959, made in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Act XIV of 1947) was pleased to refer to me for adjudication the industrial dispute between the parties in respect of the following matters, specified in the schedule to the said Order:—

SCHEDULE

(i) Whether the dismissal of Shri Damodar Missir, Engine Khalasi, is in order?

(ii) If not, to what relief he is entitled?

2. Upon the usual notices being issued, the General Secretary, Bihar Koyal Mazdoor Sabha, filed the statement of claim on behalf of the workmen on 12th March, 1959 and the employers filed their written statement in reply on 23rd March, 1959, after which the dispute was fixed for hearing on 21st April, 1959.

3. At the hearing, after the submissions of the parties had been heard at some length, the parties agreed to settle the dispute on the terms which have been recorded by them on the joint application which they have filed. A copy of the said application is annexed hereto and marked Annexure A. The parties

have further prayed that an Award be made in terms of the said settlement, and as I am satisfied that the terms of settlement are fair and reasonable, I make an Award in terms of Annexure A, which shall form part of the Award.

4. No order as to costs.

(Sd.) SALIM M. MERCHANT,

Chairman,
Central Government's Industrial Tribunal,
Dhanbad.

DHANBAD;

The 22nd April, 1959.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
DHANBAD**

REFERENCE No. 15 of 1959

Employers in relation to the Barora Colliery of Messrs. Barora Coal concern--
AND

Their Workmen.

MEMORANDUM OF SETTLEMENT

Parties above named most respectfully beg to jointly submit as under:—

- (1) That without prejudice to the respective contentions of the parties, the above matter has been amicably settled between the said parties on the terms hereinafter stated.
- (2) That the management shall pay to Shri Damodar Missir, the workman named in the Schedule to the present order of reference, the sum of Rs. 440 (Rupees four hundred and forty only) in lieu of all the claims of the said workman arising out of the present reference. He will be treated as having been retrenched.
- (3) That besides the above sum of Rs. 440, the management shall also pay to the said workman the difference between the wages of his category as prescribed by the Labour Appellate Tribunal and the wages awarded by the Mazumdar Tribunal, together with all his other legal dues if any.
- (4) That the above payments shall be made to the workman aforesaid on 28th April, 1959 at any place to be mutually decided by the parties.

The 21st April, 1959.

For the Workmen.

(Duly authorised representative),

LALIT BURMAN.

The 21st April, 1959.

DAMODAR MISSIR.

The 21st April, 1959.

For the Employer

MAHENDRA PRATAP NARANG.

The 21st April, 1959.

Taken on file.

(Sd.) SALIM M. MERCHANT,
Chairman,

Central Government's Industrial Tribunal,
Dhanbad.

The 21st April, 1959.

[No. LR-II/2(169)/58.]

(Sd.) D. NARSINGH.
The 21st April, 1959.

ORDERS

New Delhi, the 30th April 1959

S.O. 1056.—Whereas the Central Government is of opinion that an industrial dispute is apprehended between the employers in relation to the quarrying companies mentioned below and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri F. Jecjeebhoy, Chairman, Labour Appellate Tribunal, as the Presiding Officer, with headquarters at Bombay, and refers the said dispute for adjudication to the said Industrial Tribunal.

Name of the Companies

1. The Wadi Stone Marketing Co. (P) Ltd., Wadi, Gulbarga District
2. The Shahabad & Martur Stone Supplying Co. (P) Ltd., Shahabad, Gulbarga District.
3. The Kurkunta & Seram Stones (P) Ltd., Kurkunta, Gulbarga District.
4. The Chittapur Stone Quarrying Co. (P) Ltd., Chittapur, Gulbarga District.

SCHEDULE

- (a) Whether for breaking 'Porka Thargu' and similar type of thick layers of lime stone classifying them as Dind breaking, payment should be made at the rate of Rs. 40/- per 1000 cubic feet, and if so, whether this rate should be from the 1st January, 1955.
- (b) Whether for carrying and throwing away of stone pieces after Dind breaking, payment should be made at the rate of Rs. 10/- per 1000 cubic feet.
- (c) Whether extra wages at the rate of Rs. 1/- be paid for every 100 square feet of cut stone for the removal of stone pieces after sizing and cutting of the stone.
- (d) whether extra wages at the rate of Re. 1 and 50 paise be paid for every 100 square feet of cut stone for the carrying of cut stones from the quarry pit to the surface.

[No. LRII-63(11)/58.]

S.O. 1057.—Where the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Bhowra, Amlabad and Pootki Collieries of the Bhowra Kankane Collieries Ltd., and their workmen in respect of the matter specified in the schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether doctors employed in Bhowra, Amlabad and Pootki Collieries of the Bhowra Kankane Collieries Ltd. should be granted paid festival holidays after taking into account the recommendation contained in para 829 of the Award of the All India Industrial Tribunal (Colliery Disputes) in regard to workmen in the collieries and if so, which should be such holidays?

[No. LRII-1(99)/58.]

K. D. HAJELA, Under Secy.

New Delhi, the 1st May 1959

S.O. 1058.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of Shri Salim M. Merchant, Chairman, Central Government Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the East Kumardhubi Colliery, and their workmen represented by the Colliery Mazdoor Sangh, Dhanbad.

BEFORE SHRI SALIM M. MERCHANT, CHAIRMAN, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL—ARBITRATOR

REFERENCE No. 64 OF 1959

Employers in relation to the East Kumardhuli Colliery

AND

Their workmen represented by the Colliery Mazdoor Sangh.

Re: Arbitration under Section 10A of the Industrial Disputes Act, 1947 (Act XIV of 1947).

Dhanbad, dated the 22nd April, 1959.

APPEARANCE:

Shri L. J. Pathak, Chief Welfare Officer—for the Employers.

Shri S. Das Gupta, Secretary, Colliery Mazdoor Sangh, Dhanbad—for the Workmen.

Industry: Coal.

State: Bihar.

AWARD

By an arbitration agreement dated the 23rd October, 1958 made under sub-section (1) of Section 10A of the Industrial Disputes Act, 1947 (XIV of 1947), the employers in relation to the East Kumardhuli Colliery and their workmen represented by the Colliery Mazdoor Sangh, Dhanbad, referred the industrial dispute in respect of the following matters specified in the said agreement to my arbitration:—

"Shri Ramkissen Das, Trammers' Sirdar should be removed from East Kumardhuli Colliery."

2. After the said arbitration agreement was signed the Government of India, Ministry of Labour & Employment, by Notification No. LRII-2(146)/58 dated the 20th November, 1958, in pursuance of sub-section (3) of Section 10A of the Industrial Disputes Act, 1947 (XIV of 1947) was pleased to publish the said arbitration agreement.

3. Thereafter notices were issued to the parties to file their respective written statements. The Colliery Mazdoor Sangh filed its written statement on the 3rd January, 1959, and the Employers filed their written statement, in reply thereto, on the 27th January, 1959.

4. The dispute was thereafter fixed for hearing on the 3rd April, 1959 and at the adjourned hearing on the 20th April, 1959, the parties filed before me the terms of settlement which had been reached between them and prayed that an award be made in terms thereof. As I am satisfied that on the facts and circumstances of the case, the terms of settlement are fair and reasonable, I make an award in terms of that settlement, which shall form a part of this award. A copy of the said terms of settlement is annexed hereto and marked 'Annexure A'.

This arbitration award is submitted to Government as required by sub-section (4) of Section 10A of the Industrial Disputes Act, 1947 (XIV of 1947).

(Sd.) **SALIM M. MERCHANT,**
Chairman,
Central Government Industrial Tribunal,
Dhanbad—Arbitrator.

ANNEXURE A

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
DHANBAD

REFERENCE No. 64 of 1958

PARTIES

Employers in relation to the East Kumardhubi Colliery, P.O. Chirkunda,
District Dhanbad.

AND

Their workmen, represented by the Colliery Mazdoor Sangh, Dhanbad.

The joint application of the parties, named above.

Most Respectfully Sheweth:—

The management and the union have reached the following agreement:—

1. That Shri Ram Kissun Das be allowed to continue to work as a Trammer at East Kumardhubi Colliery and be paid his wages for that category.
2. That the commission in respect of the coal raisings of certain miners, which was being paid to Shri Ram Kissun Das be stopped forthwith and that such unpaid amount as shall remain undisbursed with the management because of stoppage of sirdari commission to Shri Ram Kissun Da, be kept in a separate Fund known as "East Kumardhubi Colliery Workers' Benefit Fund".
3. That the Fund above named shall be jointly operated and worked by two nominees of the management of East Kumardhubi Colliery and two nominees of the Colliery Mazdoor Sangh to be nominated by the General Secretary of the Colliery Mazdoor Sangh.
4. That the rules and regulations for the working of the Fund, for the purposes on which the said Fund shall be applied and other matters incidental thereto, shall be decided by the aforesaid four nominees of the management and the Colliery Mazdoor Sangh.
5. That the management shall pay to the Colliery Mazdoor Sangh a sum of Rs. 500 (Rupees Five hundred only) as cost.
6. That a request be made to the Hon'ble Arbitrator in the Reference No. 64 of 1958 to treat the dispute settled amicably between the parties in the terms aforesaid.

It is accordingly prayed that the Hon'ble Arbitrator may graciously be pleased to pass an Award in the terms of the agreement aforesaid.

For this your petitioners shall ever pray.

L. J. PATHAK,
Chief Welfare Officer,
on behalf of the management of
East Kumardhubi Colliery.,

R. S. SHARMA,
Secretary,
Colliery Mazdoor Sangh
Branch: East Kumardhubi Colliery,
P.O. Chirkunda.
S. DAS GUPTA,
Secretary,
Colliery Mazdoor Sangh,
Dhanbad.

The 20th April, 1959.

Taken on file.

(Sd.) SALIM M. MERCHANT,
Arbitrator.

[No. LRII-2(146)58.]

ORDERS

New Delhi, the 1st May 1959

S.O. 1059.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Tandur & Navandgi Stone Quarries (P) Ltd., P.O. Basheerabad (Andhra Pradesh) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri F. Jeejeebhoy, Chairman, Labour Appellate Tribunal, as the Presiding Officer, with headquarters at Bombay, and refers the said dispute for adjudication to the said Industrial Tribunal.

SCHEDULE

- (a) Whether for breaking 'Porka Thargu' and similar type of thick layers of lime stone classifying them as Dind breaking, payment should be made at the rate of Rs. 40 per 1,000 cubic feet, and if so, whether this rate should be from the 1st January, 1955?
- (b) Whether for carrying and throwing away of stone pieces after Dind breaking, payment should be made at the rate of Rs. 10 per 1,000 cubic feet?
- (c) Whether extra wages at the rate of Re. 1 be paid for every 100 square feet of cut stone for the removal of stone pieces after sizing and cutting of the stone?
- (d) Whether extra wages at the rate of Re. 1 and 50 Naye Paise be paid for every 100 square feet of cut stones for the carrying of cut stones from the quarry pit to the surface?
- (e) Whether bonus be paid for the years 1952-53, 1953-54, 1954-55, 1955-56, 1956-57 and 1957-58 at 50 per cent. of the net profit of such year. If not, at what rate should it be paid?

[No. LRII-63 (11)/58.]

New Delhi, the 5th May 1959

S.O. 1060.—Whereas the disputes specified in the schedule hereto annexed were referred to the Industrial Tribunal at Nagpur, consisting of Shri P. D. Vyas;

And whereas the services of Shri P. D. Vyas have ceased to be available;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said disputes for adjudication to the Industrial Tribunal at Dhanbad constituted under section 7A of the said Act.

SCHEDULE

Serial No.	Parties to the disputes	Number of reference	Date of reference
1	General Assurance Society Ltd., Bombay, and the General Insurance Employees' Union, Bombay.	S.O. 2124	6-10-58
2	General Assurance Society Ltd., and the General Assurance Society Employees' Union, Calcutta.	S.O. 2125	6-10-58
3	Employers in relation to the Chirimiri Colliery and the Chhattisgarh Colliery Workers Federation, Chirimiri.	S.O. 1986	22-9-58
4	Employers in relation to the Safe Bank Ltd., Itwari, Nagpur and their workmen.	S.O. 2336	4-11-58
5	Employers in relation to the Chargaon mines of M/s. Best Minerals (P) Ltd., Nagpur and their workmen.	S.O. 2368	5-11-58

[No. LRII-4 (15)/59.]
A. P. VEERA RAGHAVAN, Under Secy.

New Delhi, the 4th May 1959

S.O. 1061.—Whereas immediately before the Employees' Provident Funds Act, 1952 (19 of 1952), became applicable with effect from the 1st October, 1956 to the factory known as the Zandu Pharmaceutical Works Limited, Gokhale Road, South, Bombay, there was in existence a provident fund common to the employees employed in the factory, to which the said Act applies, and the employees in their Sales Depot situated at Old Bhatia Mahajan Wadi, Kalbadevi Road, Bombay;

Now, therefore, in exercise of the powers conferred by section 3 of the said Act, the Central Government hereby directs that the provisions of that Act shall also apply to the aforesaid Sales Depot,

[No. PF.II-7(8)59.]

S.O. 1062.—Whereas immediately before the Employees' Provident Funds Act, 1952 (19 of 1952), became applicable with effect from the 1st October, 1956, to the factory known as the Alembic Chemical Works Company Limited, Alembic Road, Baroda-3, there was in existence a provident fund common to the employees employed in the factory, to which the said Act applies, and the employees in their Branch Office and Sales Depot shown in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by section 3 of the said Act, the Central Government hereby directs that the provisions of that Act shall also apply to the aforesaid Branch Office and Sales Depot.

SCHEDULE

1. Alembic Chemical Works Co. Ltd., Bombay Office, Laxmi Building, Sir Pherozeshah Mehta Road, Bombay-1.

2. Alembic Chemical Works Co. Ltd., Sales Depot, Raopura Road, Baroda.

[No. PFII.7(6)/59.]

S.O. 1063.—Whereas immediately before the Employees' Provident Funds Act, 1952 (19 of 1952), became applicable with effect from the 1st August, 1956, to the factory known as the East Asiatic Company (India) Private Limited, No. 18, Elaiya Mudali Street, Tondiarpet, Madras 21, there was in existence a provident fund common to the employees employed in the factory, to which the said Act applies, and the employees in their other Branch Establishments shown in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by section 3 of the said Act, the Central Government hereby directs that the provisions of that Act shall also apply to the aforesaid Branch Establishments.

SCHEDULE

1. The East Asiatic Company (India) Private Limited, Madras Branch, Mercantile Bank Building, 1st Line Beach Post Box No. 146, Madras-1.

2. The East Asiatic Company (India) Private Limited, Bombay Branch, Wavell House, Bullard Estate, Graham Road, Bombay-1.

3. The East Asiatic Company (India) Private Limited, West Bengal Branch, F-2 Gilander House, Netaji Subhash Road, Calcutta.

4. The East Asiatic Company (India) Private Limited, Delhi Branch, Delite Cinema Building, Post Box No. 656, New Delhi.

[No. PF.II-9(43)/58.]

S.O. 1064.—Whereas immediately before the Employees' Provident Funds Act, 1952 (19 of 1952), became applicable with effect from the 30th April, 1958, to the factory known as the Sathe Biscuit and Chocolate Company Ltd., S. No. 44/45, Dhanori, Poona-6, there was in existence a provident fund common to the employees employed in the factory, to which the said Act applies and the employees in their Office Establishment situated at 820, Bhawani Peth, Poona-2;

Now, therefore, in exercise of the powers conferred by section 3 of the said Act, the Central Government hereby directs that the provisions of that Act shall also apply to the aforesaid Office Establishment.

[No. PF.II-9(45)/59.]

P. D. GAIHA, Under Secy.

New Delhi, the 9th May 1959

S.O. 1065.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 10th day of May, 1959, as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force), Chapter V and Chapter VI [except sub-section (1) of section 76 and sections 77, 78, 79 and 81, which have already been brought into force] of the said Act shall come into force in the following areas of the State of Punjab, namely:—

1. The areas within revenue villages of Hamidpura, Gomanpura, Khatania, Rampura and Kharmania, Had Bast Nos. 355, 354, 356, 362 and 364 respectively in the district of Amritsar.
2. The area within Khalsa Had Bast No. 365 in the district of Amritsar.

[No. F. HI-13(14)/59.]

BALWANT SINGH, Under Secy.

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 30th April 1959

S.O. 1066.—In exercise of the powers conferred by section 6 of the Cinematograph Act, 1952 (37 of 1952) the Central Government hereby directs that the film entitled "Agra Road" (Hindi) produced by Ravindra Dave, Bombay, in respect of which 'U' Certificate No. 21290 dated the 11th September, 1957 has been granted shall be deemed to be a film in respect of which an 'A' certificate has been granted.

[No. 12/5/57-FC]

V. P. PANDIT, Under Secy.